

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL(SZ)
CHENNAI.

OA. No. 204 of 2017. (SZ)

IN THE MATTER OF :-

Bhoja Shetty

....PETITIONER.

VERSUS.

Deputy Commissioner and ors.

....RESPONDENTS.

Date. 22/02/2021.

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THROUGH :-



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Date:- 22/02/2021.
Place New Delhi

REPORT OF JOINT COMMITTEE APPOINTED BY HON'BLE NGT (SB) IN O.A NO. 204 OF 2017(SZ), AS PER ORDER DATED 06.02.2020 TO VERIFY THE COMPLIANCE STATUS OF M/S MOOKAMBIKA STONE CRUSHER AND ATTACHED QUARRY LOCATED AT SY. NO. 176, YALAGOLI, SHIVAPURA VILLAGE, KARKALA TALUK, UDUPI DISTRICT -REG.

Petitioners: Sri. Bhoja Shetty and another
Respondents: Deputy Commissioner & Ors.,

1.0 Preamble:

In the matter of Original Application No 204 of 2017 (SZ) of Sri. Bhoja Shetty and another Vs Deputy Commissioner & Ors., the National Green Tribunal (NGT), Southern Bench has passed an order dated 6th February 2020 (Annexure 1) and directed that ".... Under the circumstances, in order to ascertain the real state of affairs, we feel it appropriate to appoint a Joint Committee comprising of District Collector, Udupi District, Senior Officer/Scientist from Regional office, MoEF and CC, Bangalore, State Level Environment Impact Assessment Authority(SEIAA), Karnataka, and Senior Officer from Karnataka State Pollution Control Board, to inspect the area in question and ascertain whether the fourth respondent is having Environmental Clearance for doing mining in both the lease areas, whether he is complying with the conditions imposed in Environmental clearance as well as consent to operate and other clearances., whether there is any excess mining done, if so, what is the quantity, whether the fourth respondent has provided all necessary pollution control mechanism to arrest possible pollution within the prescribed norms, whether there is any damage caused to the nearby houses as alleged by the petitioner on account of the operation of the quarry by the fourth respondent and also ascertain the ambient air quality as well as water quality in that area and if there is any violation, assess the environmental compensation which has to be collected by the fourth respondent and submit a factual and action taken report before this Tribunal within a period of two months.

Karnataka State Pollution Control Board will act as the nodal agency for co-ordination and also for providing necessary logistics for this purpose... "

The applicant Sri. Bhoja Shetty and another have filed objections about the stone crusher by name M/s Mookambika crusher at Sy.No. 176 at Yalagoli, Shivapura village, Karkala taluk, Udupi Dist., against the norms and without following the conditions imposed in the Environment clearance and also consent granted.

According to the Petitioner, on account of lack of pollution control mechanisms, dust emanates from the unit causing air pollution, affecting the health of the people in the locality. They were using extensive explosives during the day time while quarrying and without providing any safety measures.

Small pieces of stones are flying and falling in nearby houses causing damage to the tile roofs of the houses. Cracks have developed due to high intensity of the blasting.

Quarry is situated 200 meters from the public roads and dwelling units violating the Karnataka Mines and Minerals Concession Rule, 1994.

Further, the authority doesn't have Environment Clearance for one of the Mining area and he is violating the conditions of Environment Clearance.

2.0 Constitution of the Committee:

In compliance to Hon'ble NGT order, the Member Secretary, Karnataka State Pollution Control Board (KSPCB) constituted a committee vide Office Memorandum No. PCB /SEO/MIN/NGT/2019-20/6271 dated 02-03-2020 consisting of the following members, the copy of the same is enclosed as Annexure 2.

Sl.No	Name & Designation	Details
1	The District Collector, Udupi District	Chairman
2	The Zonal Senior Environmental Officer, Karnataka State Pollution Control Board, Mangaluru	Member
3	Senior Officer from Regional Office, Ministry of Environment Forest & Climate Change, South Zone Office, E-3/240,	Member

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	Kendriya Sadan, 4 th Floor, E & F Wings, 17 th Main Road, 2 nd Block, Koramangala, Bengaluru -560 034	
4	State Level Environment Impact Assessment Authority (SEIAA) Karnataka, (Ecology & Environment), Department of Forest Ecology and Environment, Government of Karnataka, Room No. 709, 7 th Floor, 4 th gate, MS building Bengaluru-560 001	Member
5	Environmental Officer, KSPCB, Udupi	Member Convenor

3.0 Meeting Notice for carrying out the Spot Inspection:

Based on the above OM, Deputy Commissioner and Chairman of the Committee, directed the Member Convenor to issue meeting notice to all the members to assemble at the location in question on 19-03-2020 at 2.30 PM for conducting spot inspection. Since the issue involved excess mining and damage caused to nearby houses due to quarrying, the Deputy Commissioner directed to include the Senior Geologist, Dept. of Mines and Geology as Special Invitee for the spot inspection. Accordingly, Member Convener issued meeting notice in this regard vide letter No. PCB/RO/Udupi/NGT-OA No. 204/2017/2019-20/1297 dated 12.03.2020.

4.0 Spot Inspection Details:

As per the notice, the following members were present for spot inspection.

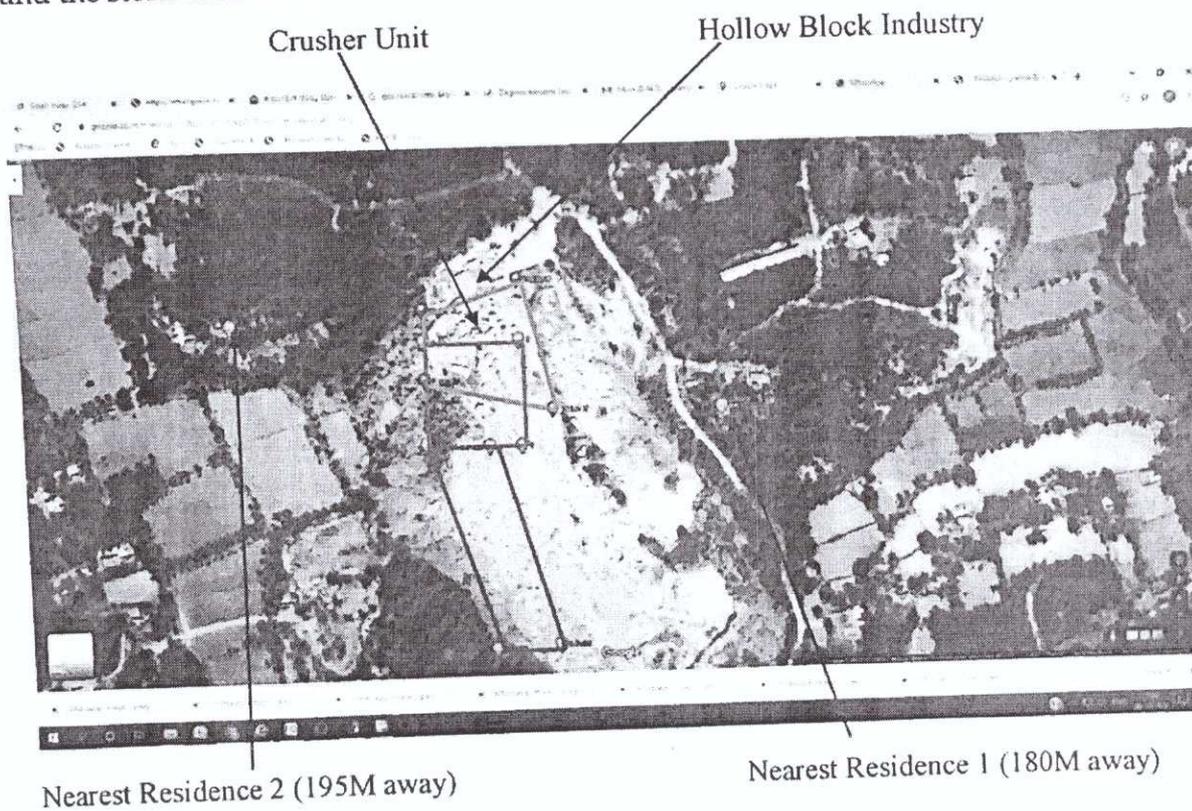
SI No.	Name and designation of the officer	Details
1	Deputy Commissioner, Udupi District	Chairman
2	Sri. Ramesh D Naik, Senior Environmental Officer, KSPCB Mangalore	Member
3	Sri. Ranji Naika, Senior Geologist, Department of Mines & Geology, Udupi.	Special Invitee
4	Sri. Ravikumar J K, Scientific Officer, Grade-I, SEIAA & CRZ Bangalore.	Member

5	Smt. Vijaya Hegde, Environmental Officer, KSPCB, Udupi	Member Convenor
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Sri. E Thirunavukkarasu, Scientist 'E', Ministry of Environment, Forest & Climate Change, Bangalore was absent for the spot inspection in view of his ill health. He has sent a letter in this regard to the Convenor of the committee. However, he has taken part in the discussion and provided his comments based on the Half-yearly compliance report of the project.

4.1 Location Details:

The stone quarry and the stone crusher are located at Sy.No. 176 of Yalagoli, Shivapura village, Karkala taluk, Udupi Dist. The salient features around the quarry and the stone crusher are seen in the map shown below:



Points	Latitude	Longitude
A	N 13.40341667	E 74.96694444
B	N 13.40366667	E 74.96777778
C	N 13.40252778	E 74.96805556
D	N 13.40280556	E 74.96694444

Crusher Safer Zone Area

□	Quarry 1 Area	Points	Latitude	Longitude
		A	N 13.40313889	E 74.96694444
		B	N 13.40313889	E 74.96777778
		C	N 13.40222222	E 74.96777778
		D	N 13.40225000	E 74.96694444
□	Quarry 2 Area	Points	Latitude	Longitude
		A	N 13.40225000	E 74.96694444
		B	N 13.40222222	E 74.96750000
		C	N 13.40047222	E 74.96805556
		D	N 13.40044444	E 74.96750000

4.2 Physical Observations made during inspection:

- The stone crusher and quarry were not in operation at the time of inspection.
- One of the members, Senior Geologist from Dept. of Mines and Geology has briefed the committee that this stone crusher is established in the safer zone as required under the The Karnataka Regulation of Stone crushers Act, 2011 as amended in 2013 and joint survey was done on 07.02.2019 for the purpose of extension of License and accordingly, there are 16 houses spread here and there across 500 meter radius and there are no cluster of houses, no temples or schools in this radius.
- The nearest house was of Shri Kamala Kulal which was around 180 meter from the crusher site. The next house was of Shri Sundar Harijan, which was 195 from the crusher area. Both these houses were visited and the people staying in the houses were enquired about their grievances.
- During enquiry, none of them expressed either any kind of health problems or otherwise created due to quarrying activities. They informed that they are getting drinking water supplied through the bore well situated in the Crusher site during summer when their wells get dried up.
- The houses were intact and there were no damage caused to the houses.
- Photos of the location taken during inspection are enclosed as **Annexure-3** for kind perusal of the Hon'ble Court.

5.0 Detailed Reports from each of the Concerned Departments:

Since the matter required the observation of compliance with respect EC conditions, issue of excess mining/quarrying and pollution control measures etc., Deputy Commissioner directed the individual Departments to verify compliance and submit reports to the Member Convenor to enable compilation. Accordingly, the reports of following Departments were obtained:

viz;

- i. State Environment Impact Assessment Authority, Multi Storeyed Building, Bangalore
- ii. Ministry of Environment and Forest, Regional Office, Bangalore
- iii. Department of Mines and Geology
- iv. Karnataka State Pollution Control Board.

Gists of the reports of each Department are briefly discussed as below:

5.1 Report from SEIAA, Bangalore:

The fourth respondent is having EC for doing mining in both the lease areas. SEIAA, Karnataka has issued Environmental Clearance to Sri Prasanna Shetty, Soodaramane Kukkude, Kerebettu Village, Shivapura post, Karkala Tq, Udupi Dist vide no. SEIAA 458 MIN 2015 dated 18-09-2015 for Quarrying of Building Stone at Sy No 176/P1 of Shivapura Village, Karkala Tq, Udupi Dist for the existing Quarry lease bearing No. 258/2010-11 dated 23.07.2010 with a total quarry lease area of 3-00 Acres for quarrying Building stone of capacity 4094 TPA.

SEIAA, Karnataka has also issued Environmental Clearance to the same proponent bearing no. SEIAA 132 MIN 2014 dated 30-10-2014 for Quarrying of Building Stone at Sy No 176/P1 of Shivapura Village, Karkala Tq, Udupi Dist with a total quarry lease area of 3-00 Acres for quarrying Building stone of capacity 4000 TPA, which is adjacent to the above mentioned lease area. Whereas the Department of mines and Geology has granted lease limiting the area to 2.0Acres under quarry lease bearing No 358 dt.23.07.2015 against an EC for 3 Acres without amending the Environmental clearance issued, which is mandatory as per the EIA Notification 2006.

General compliance to EC conditions by the quarry authorities is very poor and unsatisfactory. In this regard, SEIAA has submitted detailed report and observations made with reference to compliance to the EC conditions issued for both the leases bearing Lease No's 358 and 371(old 258).

Detailed report is enclosed as Annexure-4

5.2 Report of Ministry of Environment and Forest and Climate Change, GOI:

State Environment Impact Assessment Authority (SEIAA) has issued the Environment Clearance to the above project vide SO 637 (E) dated 28.02.2014 (Copy enclosed). As per the requirement of Environment Clearance, the Project authorities have to submit half yearly compliance report to the MoEF and CC. Accordingly, the compliance report was sought from the Project Authority (PA) and examined.

It was noted that the compliance report submitted by the PA was incomplete. There were no information on compliance detail on certain conditions; supportive documents on the compliances have not been submitted. In view of the above, PA was addressed vide mail dated 09.04.2020 to provide certain additional information. PA has submitted reply in June 2020. The details submitted and the remarks are enclosed. It is noted from the information submitted by the PA that the compliance of EC conditions is unsatisfactory. The matter was also discussed with the member of the Committee who visited the project and learnt that the compliance to the EC conditions is very poor.

Since SEIAA, Karnataka has granted EC to the above project and As per S.O. 637 (E) dated 28.02.2014, they are empowered to take action against the project for the non-compliances of EC conditions under Section 5 of the Environment(Protection) Act, 1986.

Detailed report is enclosed as Annexure-5

5.3 Report of Department of Mines and Geology, Udupi:

Dept. of Mines and Geology, vide their letter have given the quantity of mineral removed from the area in the Sy No. 176/P1/P1. It is informed that there are three quarry leases operating in the said Survey Number and that the Google imageries show that quarrying activity was carried out before grant of lease in various places in Sy. No. 176/P1/P1.

Detailed report is enclosed as Annexure-6

5.4 Report from Karnataka State Pollution Control Board (KSPCB), Regional Office, Udupi:

KSPCB has issued the consent for operation of the stone crusher vide consent order No. 599/PCB/346/MIN/2017-18/OB/1290 Dated 27.03.2018. Validity period of this consent was up to 18.11.2018. The industry has not applied for renewal of consent under Air Act, 1981 for further period.

As per the provisions of the Karnataka Regulation of Stone Crushers Act, 2011 as amended on 2013, all the stone crushers in the state have to be located at Safer Zone which is to be notified by the District Stone Crushers Licensing and Regulation Authority (working under the chairmanship of the Deputy Commissioner) after conducting a joint survey of the proposed site.

Only after obtaining license to work in the safer zone, the stone crusher industry can seek consent for operation from the KSPCB. For this stone crusher, License issued by the Stone crusher Licensing Authority expired on 18.11.2018, so was the consent for operation issued by the KSPCB since both were co-terminus with each other. It should be mentioned here that in Udupi district, for the past two years license (Form-C) for stone crushers was not renewed because of issues related to deemed forest and license for this stone crusher was also held up for the same reasons by the Stone Crusher Licensing and Regulation Authority.

Further, compliance to consent conditions issued by this KSPCB was verified and found that the compliance is not satisfactory. Industry has implemented physical measures for controlling the dust emissions at the site, such as, covering of the Jaw crushers, secondary crushers and vibratory screens, covering the conveyor belts with semi-circular sheets, providing wind breaking walls, etc., However, there is gap with respect to regular ambient air quality monitoring and submission of reports from time to time to the statutory body.

5.4.1 Monitoring of Ambient air quality within and outside the stone crusher premises:

KSPCB has got the ambient air quality monitoring carried out at two locations, one at the crusher site and another near the office outside the crusher compound on 24.03.2020 for the parameters PM_{2.5} and PM₁₀.

Monitoring was carried out for 24 hrs and the results are meeting with the NAAQM standards. Results of monitoring are as below:

Date of sampling	Sampling location	PM ₁₀ micro gm/m ³	PM _{2.5} micro gm/m ³	Remarks
	NAAQM *standard for 24 hours average	100*	60*	
		Monitored results		
24.03.2020	Near office, outside the crusher compound	49.4	19.1	** Within the limits
	At the crusher site	78.9	39.2	** Within the limits

Note: **The stone crusher was not under operation at the time of monitoring due to Covid situation.

5.4.2 Monitoring of Water quality within and outside the stone crusher premises:

The stone crusher surrounding is very sparsely populated. As per the joint survey conducted on 07.02.219 by the members of the District stone Crusher Licensing Authority which includes Dept. of Mines and Geology, Revenue officials, District

Forest Officer and jurisdictional officer of Pollution Control Board, there are 16 independent houses in 500 meter vicinity of the stone crusher. The nearest house is around 180 meter from the crusher site which doesn't have open well. The next house which is 195 from the crusher area has an open well but dried up during summer time.

KSPCB has collected and analysed two water samples during May 2020 (14.05.2020), i) bore well water from the crusher site ii) Open well water from Mr Sundar Poojary's house which is about 253 meter from the crusher site. The results of analysis show that the analysed parameters are well within the range of drinking water standards (IS 10500:2012). Results of analysis are reproduced as below:

Sample 1: Bore well water within the Crusher site

Sample 2: Open well water from Sundar Poojary's house

Date of Collection: 14.05.2020

Parameters analysed Unit: mg/l	Standards		Results	
	**AL	**PL	Sample 1	Sample 2
Hardness as CaCO ₃	200	600	100	76
Calcium as Ca	75	200	16	15
Magnesium as Mg	30	100	15	9
Chloride	250	1000	48	44
Sulphate	200	400	8	3
Fluoride as F ⁻	1	1.5	0.0486	0.058
Sulphide	0.05	No relaxation(NR)	Below Detectable limit(BDL)	BDL
TRC	0.2	1	BDL	BDL
Total alkalinity	200	600	BDL	BDL
Nitrate as NO ₃	45	No relaxation	4.72	4.64

** AL: Acceptable Limit

**PL: Permissible Limit

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Industry claims that it was operating the stone crusher intermittently since the expiry of the last consent of KSPCB, but, as verified from the Office of the local Electricity Supply Company (MESCOM), the crusher was in operation except four months' time during rainy season. Operating the stone crusher without valid consent from the Board is also a violation of consent conditions.

Considering the above non-compliances, KSPCB has assessed the Environmental compensation to the tune of Rs 7,80,000/- (Rupees Seven Lakhs, Eighty Thousand only) as per the guidelines evolved by Central Pollution Control Board. Detailed Environmental Compensation Assessment report is enclosed as Annexure-7.

5.4.3 Latest status of the Stone Crusher with respect to obtaining License from District Stone crusher Licensing Authority and Consent from KSPCB:

Govt. of Karnataka has brought out the new Karnataka Regulation of Stone Crushers Amendment Act, 2020 which is enabling all the crusher authorities to have extension of License/Form-C for another 20 years. Under this new clause, Industry has obtained the necessary license from District Stone crusher Licensing authority. Subsequently, the stone crusher industry has also applied for consent of KSPCB and the consent is issued for the period up to 30.09.2028.

Detailed compliance report to KSPCB consent conditions along with the photos of air pollution control measures adopted in the premises is enclosed as per the report vide Annexure-8.

6.0 Concluding Remarks of the Committee:

- The stone quarry industry has obtained the necessary Environmental Clearance from SEIAA, Bangalore for the operation of both the Mining Leases, namely; ML No. 358 and ML No.371 (old 258) and executing both the leases.
- However, the quarry authority have started quarrying operations even before the issue of EC and the Dept. of Mines and geology have assessed the quantities mined before and after the issue of EC in their report vide Annexure-6.

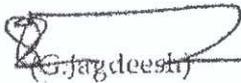
- As per the report given by the SEIAA and MoEF and CC, the compliance status of both the quarries with respect to EC conditions is not satisfactory.
- Stone crusher is established in the safer zone as required under the The Karnataka Regulation of Stone crushers Act, 2011 as amended in 2013 and the area is sparsely populated.
- None of the residents staying in the nearby houses expressed either any kind of health problems or otherwise created due to quarrying activities.
- As observed during the inspection, there is no damage caused to the nearby houses due to quarrying operations.
- Stone crusher industry is under operation without consent from KSPCB and without the license from the District Stone Crusher Licensing Committee. The validity of both these licenses expired on 18.11.2018 itself.
- Regarding compliance of the stone crusher to the air consent order of KSPCB, the industry has provided the air pollution control mechanism such as covering of the primary and secondary crushers units, conveyor belts, vibratory screens, providing of wind breaking walls etc., for containing the fugitive dust emissions from these non-point sources of pollution, however, there is gap with respect to compliance monitoring and reporting to the statutory body from time to time.
- Ambient air quality monitoring results within and outside the premises show the parameters such as PM₁₀ and PM_{2.5} are within the prescribed National air quality standards and to the one prescribed in the consent order.
- Water quality monitoring results of well water collected from the nearby well and bore well within the premises is meeting with the drinking water quality parameters (IS: 10500: 2012).
- The crusher industry and the quarry was not in operations during the inspection of the committee due to Covid-19 issues; however, keen observation of the location indicated that the industry has taken up infrequent operations of the crusher without the statutory consent for operation under Air Act, 1981.

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- Environmental compensation has been assessed by the KSPCB for the non-compliances to consent conditions and further procedure is being initiated by the KSPCB for imposing the compensation.
- SEIAA, Bangalore have recommended for initiating action on the industry for non-complying with the EC conditions.
- Of late, the District Stone crusher Licensing and Regulation authority has issued necessary license for the stone crusher industry valid up to 18.11.2038.
- Similarly, KSPCB has issued consent to the stone crusher for a period up to 30.09.2028 without any bias to the pending case in the Hon'ble NGT.

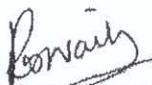
7.0 Recommendations:

- The project authority has to be directed to seek an amendment of EC for Quarry lease no. 358 as the EC issued for 3 acres and ML issued for 2 acres.
- SEIAA, Bangalore has to initiate action for non-compliance of the EC conditions under the provisions of the Environment (Protection) Act, 1986.
- KSPCB has to issue necessary order for fixing the estimated Environmental compensation for the observed non-compliances of the Stone crusher after following due procedure.
- SEIAA, Bangalore and Dept. of Mines and Geology may take action for suspending Environmental Clearance/Mining Lease until the EC compliance is assured.



(G. Jagdeesh)

Deputy Commissioner and
Chairman of the committee



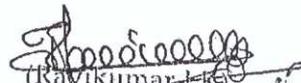
(Ramesh D. Naik)

SEO, KSPCB, Mangalore



(E. Thirunavukkarasu)

Scientist 'E', MoEF and CC,
Bangalore



(Kavikumar J.K.)

Scientific Officer Gr-1, SEIAA and CRZ,
Bangalore

Handwritten signature/initials

ANNEXURE 1

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Item No.04:

**BEFORE THE NATIONAL GREEN TRIBUNAL
SOUTHERN ZONE, CHENNAI**

Original Application No. 204 of 2017 (SZ)

IN THE MATTER OF:

Bhoja Shetty and another.

... Applicant(s)

With

The Deputy Commissioner / Chairman,
District Stone Crushers Licensing and
Regulation Authority,
Office of the Deputy Commissioner,
Udupi and Others.

... Respondent(s)

Date of hearing: 06.02.2020.

CORAM:

HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER

HON'BLE MR. SAIBAL DASGUPTA, EXPERT MEMBER

For Applicant(s):

M/s. Ranjan Shetty.

For Respondent(s):

M/s. Devraj Ashok for R1 to R3.

M/s. T. S. Gopalan for R4.

ORDER

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1. The above case has been filed by the petitioner seeking following reliefs:-

"(i) Direct respondent no. 3 to cancel / withdraw / recall the Environmental clearance granted to respondent no.4 vide no. State Environmental Impact Assessment Authority (SEIAA) 458 MIN 2015 dated 18.09.2015.

(ii) Direct respondent No.2 to cancel/withdraw/recall the lease/licence deed No.358 measuring 2 acres and lease/licence deed No.371 measuring 3 acres executed in favour of respondent No.4

(iii) Direct respondent No.4 to stop the stone quarrying activity at Sy. No.176, Shivapura Village, Karkala Taluk, Udupi District.

(iv) and pass such other or further order or orders as to your lordship may seem fit and proper."

2. The allegation in the petition was that fourth respondent is conducting the Crusher Unit by name M/s. Mookambika Crusher at Survey No. 176 at Yalagoli, Shivapura Village, Karkala Taluk, Udupi District against the norms and without following the conditions imposed in the Environment clearance and also consent granted.
3. According to the petitioner on account of lack of pollution control mechanisms provided in the unit, dust emanates from the unit causing air pollution affecting the health of the people in the locality. They were using extensive explosives during day time at

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time while quarrying without providing any safety measures. It causes apprehension in the minds of the school children and senior citizens who are crossing through that area.

4. Small pieces of stones are flying and falling in nearby houses causing damage to the tile roofs of the houses. Cracks have developed due to high intensity of the blasting. Though complaints have been filed to several authorities, no action has been taken which prompted the petitioner to file this petition.
5. It is also alleged that the quarry is situated within 200 meters from the public roads and dwelling units violating the Karnataka Mines and Mineral Concession Rule, 1994.
6. The case was taken up on 20.09.2017. This Tribunal has passed the following order:-

"We have heard Mr. Ranjan Shetty, learned counsel appearing for the applicant. Issue notice to respondent. Private notice is also permitted. This application is filed under Section 14 of the NGT Act, 2010.

In so far as it relates to the prayer No.1 which reads as follows:

"Direct respondent No.3 to cancel/ withdraw/ recall the environmental clearance (EC) granted to respondent No.4 vide No.SEIAA 458 MIN 2015 dated 18.09.2015",

we are of the view that the prayer in effect means challenging the EC dated 18.09.2015 and the EC can be challenged only under Section 16 of the NGT Act and that too if an appeal is filed under Section 16 of the NGT Act, the same has to be done in 30 days and there is a provision of 60 days to condone

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delay. Therefore, on the face of it, the prayer if it relates to challenging of EC it is beyond the limit of condonable delay which is beyond the jurisdiction of this Tribunal.

The learned counsel appearing for the applicant would fairly submit that the prayer is not to challenge the EC, but to see that the conditions stipulated in the EC are implemented in accordance with law. It is true that the body of the application speaks about the violation of the conditions of EC by 4th respondent by indulging in indiscriminate quarrying. Recording the said statement by the applicant that the application shall relate to only complying of all the conditions of the EC granted by SEIAA dated 18.09.2015 in favour of the 4th respondent, this application is entertained.

The learned counsel has brought to the notice of this Tribunal that the 4th respondent has been granted EC in respect of the leased area for 3 acres. But he has been quarrying outside the lease area to a large extent causing damage to the environment. The Google map produced by the applicant shows that there is an indiscriminate quarrying and there is no demarcation of leased area.

In view of the same, the application stands admitted and there shall be an interim order not to quarry any area other than the area stipulated in the EC dated 18.09.2015. The District Collector, Udipi shall ensure compliance of this order and file his report on the next date of hearing which shall also include the nature of quarrying effected by 4th respondent.”

7. Thereafter it was again taken up on 07.11.2017 and passed an order directing the District Collector, Udipi to file the status report. However, it is seen that it was not filed. It was again taken up on 13.11.2017 and on that day the counsel appearing

for the District Collector wanted some more time to file a status report and it was adjourned for that purpose. It is seen from the file that the District Collector had filed a status report dated 12.12.2017 wherein it was observed as follows:-

"The 4th respondent Sri. Prasanna Shetty, S/o Bhujanga Shetty has granted lease licence no. 371 in Survey No. 176/p1p1 measuring 3,00 acres at Shivapura Village, Karkala Taluk. He is also issued a lease licence no.358 in the same survey number measuring 2.00 acres.

On spot inspection of quarry lease no. 371 in Survey No. 176/p1p1 measuring 3.00 acres is demarcated by boundary stones alone with GPS recording. On examination of this lease area the quarry activity is going on within the GPS reading of the lease area. Hence, the allegations of the applicant are unfounded and baseless.

On spot inspection of quarry lease no. 358 in Survey No. 176/p1p1 measuring 2.00 acres is demarcated by boundary stones along with GPS recording. On examination of this lease area of quarry activity is going on within the GPS reading of the lease area. Hence, the allegations of the applicant are unfounded and baseless.

The above said quarry license no. 371 and 358, are beside crusher safer zone area measuring 6.55 acres on the eastern of the quarry leases.

In the above said crusher safer zone measuring 6.55 acres in Survey No. 176/p1p1 beside which licence no. 371 and 358 are in operation within the boundary of the licence issued. But the applicant produces the Google Map in which it is contended that there is indiscriminate quarrying by the 4th respondent beyond the boundaries of lease licence no.371 and 358 encroaching on abutting

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Government Land. But on the examination of the authorized officers of the Mines and Zoology Department. It is found that crusher unit is functioning within its boundary. However, the 4th respondent has stored the jelly and crusher dust outside the crusher licence area. For, which the Department of Geology has taken legal action against him, and directed him to clear the encroached area on payment of fine of Rs.10,000/- (Rupees Ten thousand only) and he has clear the encroachment of fine of Ts. 10,000/-.

But on careful examination of Google Map produced by the applicant which shows the road movement marks of vehicles from the quarry to the crusher unit.

At last but not least, there is no indiscriminating quarrying by the 4th respondent as contended by the application except 'store of quarry dust and jelly' outside the quarry boundary for which he is sentenced to pay fine of Rs-10, 000/- on legal action. The encroachment is vacated. These facts are for kind consideration of the Hon'ble NGT.

The report of Mines and Geology along with Google Map, with GPS boundary demarcation is produced for kind reference of the Hon'ble NGT."

8. It is also alleged in the petition that the fourth respondent is not having Environment clearance for one of the mining area and he is violating the conditions of environmental clearance. Though the matter is pending for the last three years, none have filed any statement. When the matter came up for hearing today, the learned counsel appearing for the fourth respondent submitted

that earlier similar application has been filed by the petitioner as Original Application No. 244 of 2016 and the same was withdrawn by the petitioner and it was dismissed as withdrawn.

9. But, the learned counsel for the petitioner submitted that since there was an appeal provided under the Act to the Appellate Authority against granting of consent to operate, they have withdrawn the earlier application and filed this application in respect of mining. It is seen from the order dated 20.09.2017 that the matter was admitted.

10. There is no present status available as to whether both the mining sites are having environmental clearance and what is the present stage and the quantity of extraction of mineral by the lessee which aspect is missing in the status report submitted by the District Collector.

11. Under such circumstances in order to ascertain the real state of affairs, we feel it appropriate to appoint a Joint Committee comprising of District Collector, Udupi District, Senior Officer /Scientist from Regional Office, Ministry of Environment, Forest and Climate Change (MoEF&CC),Bangalore, Senior Officer from State Environment Impact Assessment Authority (SEIAA),Karnataka, and Senior Officer from Karnataka State Pollution Control Board to inspect the area in question and ascertain whether the fourth respondent is having environmental

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clearance for doing mining in both the lease areas, whether he is complying with the conditions imposed in the environment clearance as well as consent to operate and other clearances. Whether there is any excess mining done, if so what is the quantity, whether the fourth respondent has provided all necessary pollution control mechanism to arrest the possible pollution within the prescribed norms, whether there is any damage caused to the nearby houses as alleged by the petitioner on account of the operation of the quarry by the fourth respondent and also ascertain the Ambient Air Quality as well as the water quality in that area and if there is any violation assess the environmental compensation which has to be collected by the fourth respondent and submit a factual and action taken report before this Tribunal within a period of two months.

12. The Karnataka State Pollution Control Board will act as the nodal agency for co-ordination and also for providing necessary logistics for this purpose.

13. The committee shall submit the report to this Tribunal within the above time through e-mail @ ngtszfilling@gmail.com.

14. The Registry is directed to communicate this order to the above officials immediately by e-mail so as to enable them to comply with the direction

15. Consideration for the report post on 07.04.2020.

.....J.M.

(Justice K. Ramakrishnan)

.....E.M.

(Saibal Dasgupta)

O.A. No.204/2017,
06th February, 2020.
Sr.



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ಕರ್ನಾಟಕ ರಾಜ್ಯ ಮಾಲಿನ್ಯ ನಿಯಂತ್ರಣ ಮಂಡಳಿ
Karnataka State Pollution Control Board

"ಪರಿಸರ ಭವನ", 1 ರಿಂದ 5ನೇ ಮಹಡಿಗಳು, ನಂ. 49, ಚರ್ಚ್ ಸ್ಟ್ರೀಟ್, ಬೆಂಗಳೂರು - 560 001, ಕರ್ನಾಟಕ ರಾಜ್ಯ, ಭಾರತ
"Parisara Bhavan", 1st to 5th Floor, # 49, Church Street, Bangalore - 560 001, Karnataka State, India

No. PCB/SEO/MIN/NGT/2019-20 / 6271

Date: 02 MAR 2020 9-3-2020

OFFICE MEMORANDUM

Sub: Constitution of Joint Committee to verify the present status of Environmental Clearance for one of the mining activities of M/s. Mookambika Stone Crusher located at Sy. No. 176, Yalagoli, Shivapura Village, Karkala Taluk, Udupi District - reg.

Ref: National Green Tribunal, Southern Zone, Chennai order dated: 06.02.2020 in respect of OA No. 204 of 2017 (SZ).

<<<>>

Preamble:

As per the Hon'ble NGT Order Dated: 06.02.2020, the allegation in the petition was that the respondent is conducting the crusher unit by name, M/s. Mookambika Stone Crusher located at Sy. No. 176, Yalagoli, Shivapura Village, Karkala Taluk, Udupi District against the norms and without following the conditions imposed in the Environmental Clearance and also the consent granted.

According to the petitioner, an account of lack of pollution control mechanism provided in the unit, dust emanates from the unit causing air pollution affecting the health of the people in the locality. They were using extensive explosives during day time at time while quarrying without providing any safety measures. Small pieces of stones are flying and falling in nearby houses causing damage to the tile roofs of the houses. Cracks have developed due to high intensity of the blasting. It is also alleged that the quarry is situated within 200meters from the public roads and dwelling unit violating the Karnataka Mines & Mineral Concession Rule, 1994. The copy of the Original Application 204 of 2017 (SZ) is enclosed, which is self explanatory.

In this background, the Hon'ble NGT has expressed that there is no present status available as to whether both of the mining sites are having Environmental Clearance and what is the present stage and quantity of extraction of mineral by the lessee which aspect is missing in the status report submitted by the District Collector, Udupi District

Considering the above circumstances in order to ascertain the real state of affairs, and present status, the Hon'ble NGT feel it appropriate to appoint Joint Committee consisting of officers from the following Departments;

Sl. No.	Name & Designation	Details
1.	The District Collector, Udupi District	Chairman
2.	Senior Officer/ Scientist from Regional Office, Ministry of Environment, Forest & Climate Change, South Zone Office, E-3/240, Kendriya Sadan, 4 th Floor, E&F Wings, 17 th Main Road, 2 nd Block, Koramangala, Bengaluru - 560 034	Member
3.	Senior Officer from State Level Environment Impact Assessment Authority (SEIAA) Karnataka, (Ecology and Environment), Department of Forest Ecology and Environment, Government of Karnataka, Room No. 709, 7th floor, 4th gate, MS building, Bengaluru - 560 001	Member
4.	The Zonal Senior Environmental Officer, Karnataka State Pollution Control Board, Mangaluru	Member
5.	The Environmental Officer, Karnataka State Pollution Control Board, Udupi	Member Convener

The Committee shall carry out the inspection of the area to verify that the respondent is having Environmental Clearance for doing mining in both the lease areas, whether he is complying with the conditions imposed in the Environmental Clearance as well as the consent to operate and other clearances and submit the present status report at the earliest.

It is requested to nominate the Officers from your department to conduct inspection. The matter may be treated as '**most urgent**' since KSPCB is the Nodal agency for co-ordination and is required to submit the **Joint Inspection report within 15.03.2020, the same shall be submitted to the Hon'ble NGT on or before 07.04.2020.**

Encl.: NGT order dated: 06.02.2020 in respect of OA No. 204 of 2017 (SZ).

Draft Approved by Chairman

Sd/-

CHAIRMAN

Karnataka State Pollution Control Board

To,

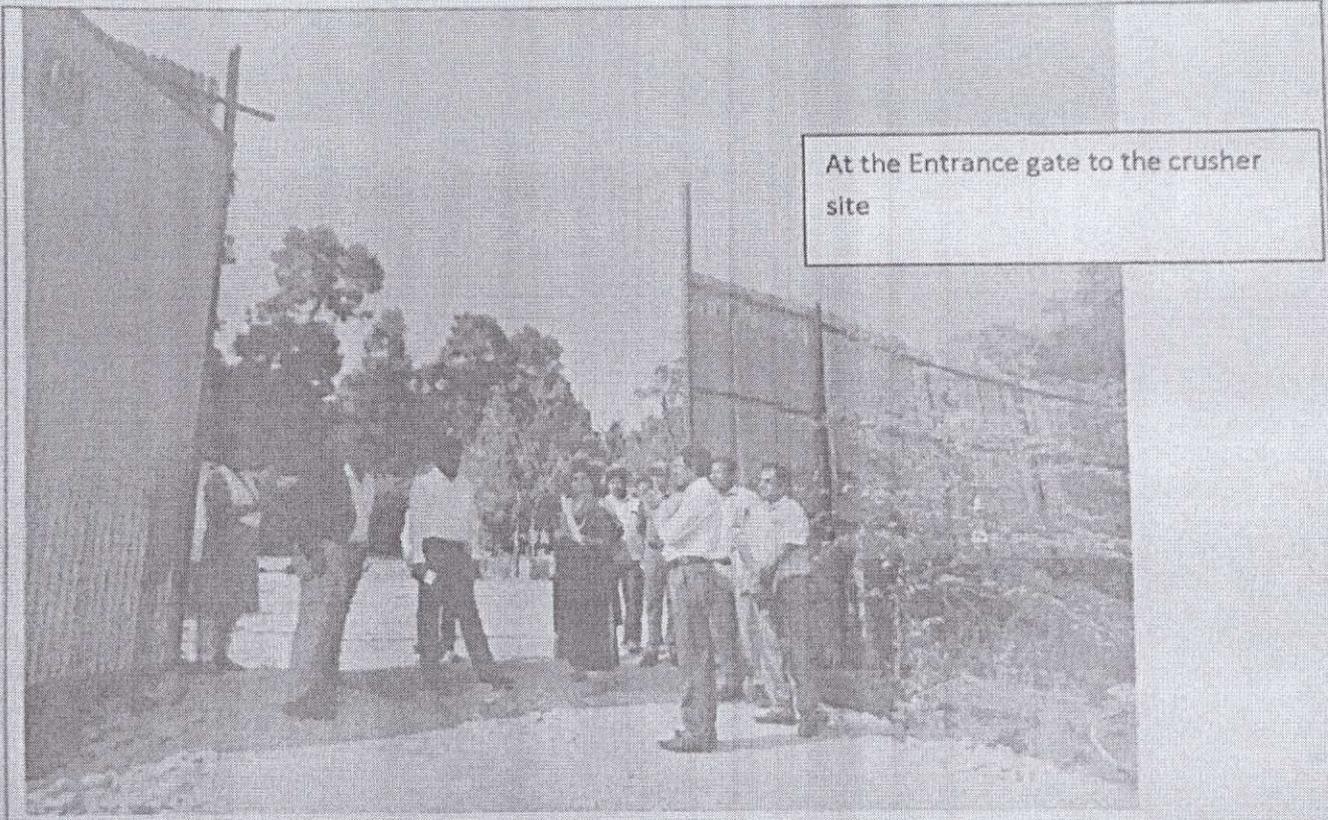
1. The District Collector,
Udupi District
2. Ministry of Environment Forest & Climate Change,
South Zone Office, E-3/240, Kendriya Sadan,
4th Floor, E&F Wings, 17th Main Road, 2nd Block,

3. State Level Environment Impact Assessment Authority (SEIAA) Karnataka, (Ecology and Environment), Department of Forest Ecology and Environment, Government of Karnataka, Room No. 709, 7th floor, 4th gate, MS building, Bengaluru – 560 001
4. The Zonal Senior Environmental Officer, Karnataka State Pollution Control Board, Mangaluru
- ✓ 5. The Environmental Officer, Karnataka State Pollution Control Board, Udupi

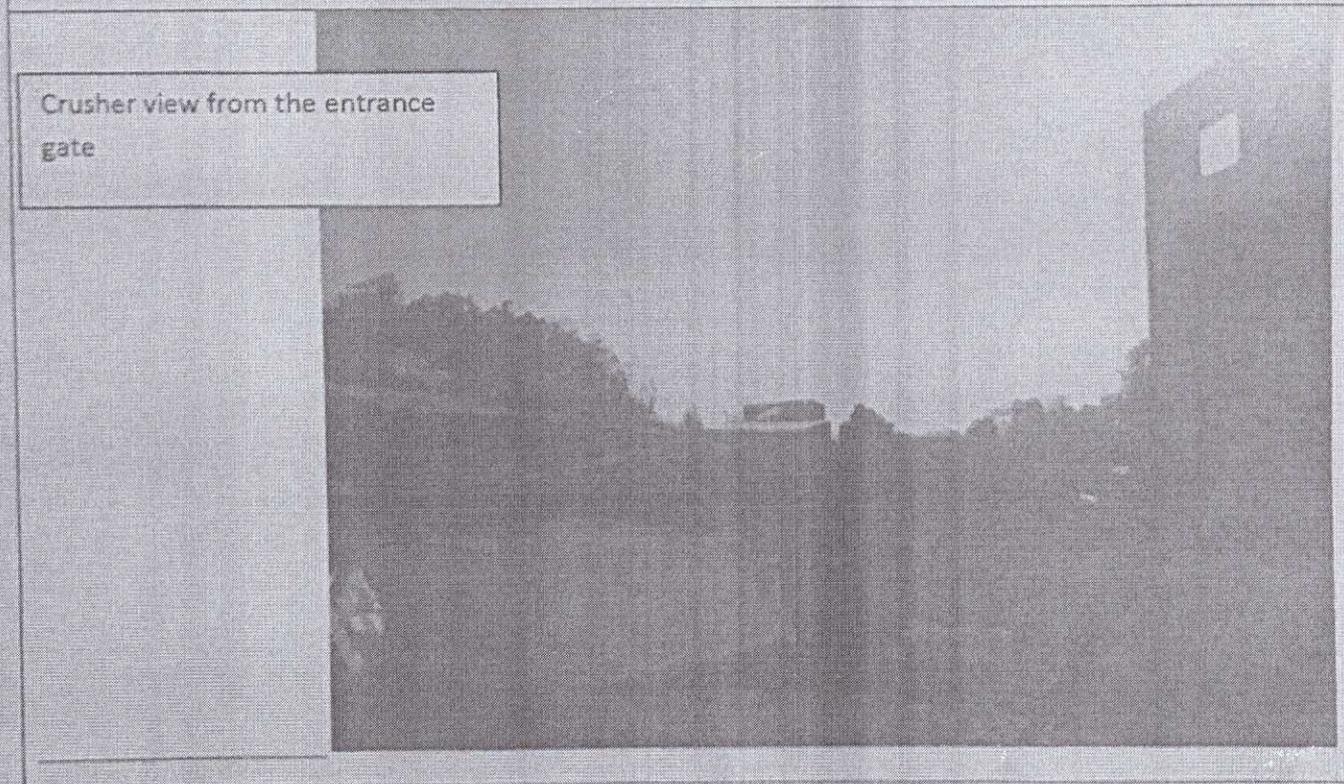

MEMBER SECRETARY
Karnataka State Pollution Control Board

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Photos taken during inspection of committee members w.r.t NGT case of M/s Mookambika Industries in OA No.204/2017

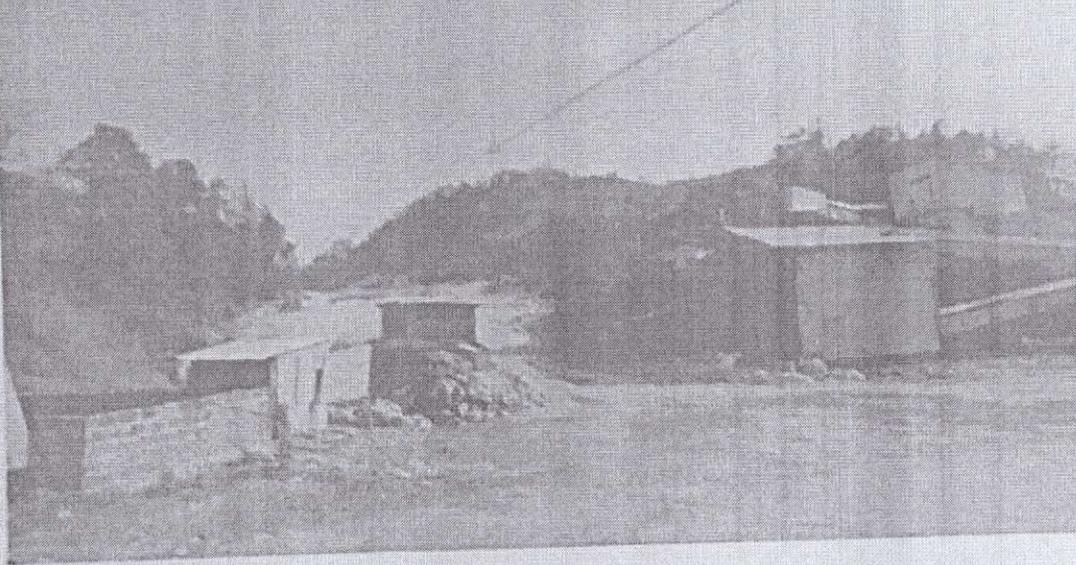


At the Entrance gate to the crusher site

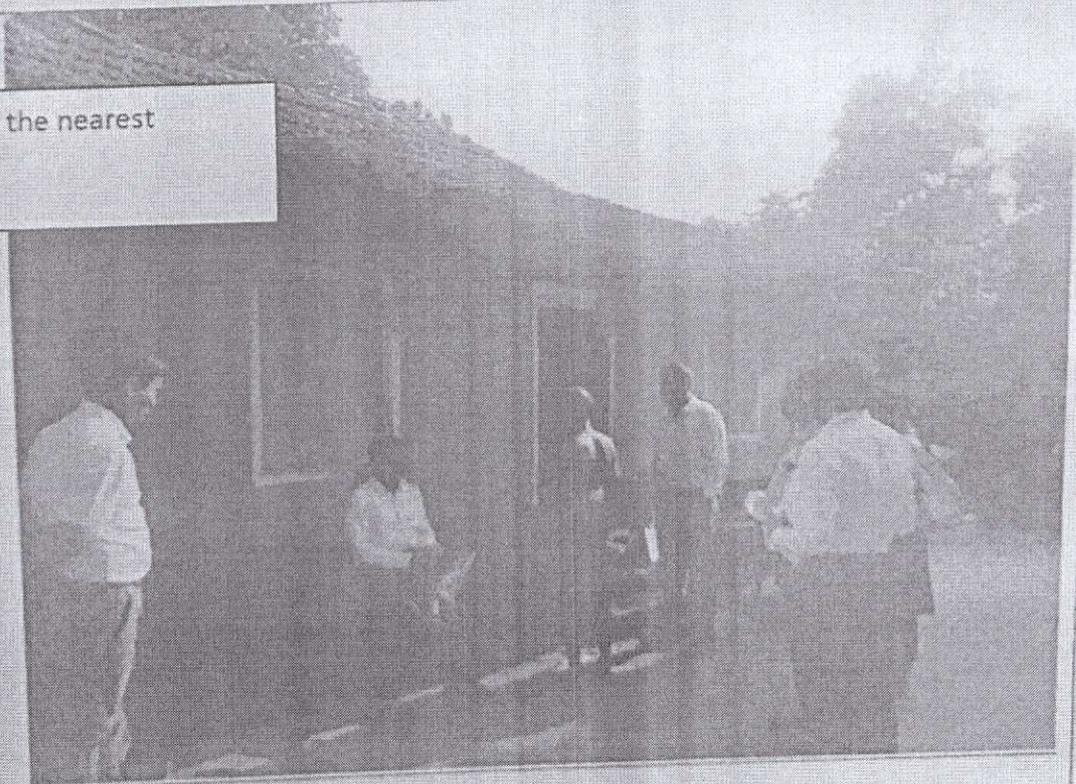


Crusher view from the entrance gate

Location of quarry seen from the crusher site



Committee visit to the nearest residence



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ANNEXURE 4

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**State Level Environment Impact Assessment Authority, (SEIAA) Karnataka
(Constituted by the MoEF & CC, Government of India)**

No: SEIAA/ NGT O.A. No 204/2017 (SZ)/2

Dept. of Ecology and Environment,
Karnataka Government Secretariate,
Room No. 710, 7th Floor, 4th gate
M.S. Building, Bangalore.

Dated: 27.05.2020.

From:

Member Secretary, SEIAA,
(Ecology and Environment)
Forest, Ecology and Environment Department.

To,

Environmental Officer &
Member convener of the committee
KSPCB Regional Office,
Manipal, Udupi-576104

Sir,

Sub:- Inspection Report of State Environmental Impact Assessment Authority (SEIAA) with regard to the Joint Committee appointed by Hon'ble National Green Tribunal (NGT, SZ Chennai) vide order dated 06.02.2020 O.A. No 204/2017 (SZ).

Ref:- KSPCB Meeting Notice No:
KSPCB/RO/Udupi/NGT-OA No: 204/2017/2019-
20/1297

*** ** ***

With reference to above, the Joint Committee constituted by the Hon'ble National Green Tribunal (NGT) Southern Zone, Chennai issued an Order dated 06.02.2020 directing to inspect the quarry site of M/s Mookambika Stone Crusher, Sy no. 176 of Yalagoli Village, Karkala Taluk, Udupi Dist comprising of District Collector, Udupi District, Senior Officer/Scientist from Regional office, Ministry of Environment, Forest and Climate Change (MoEF & CC), Bangalore, Senior Officer from State Environment Impact Assessment Authority (SEIAA), Karnataka and Senior Officer from Karnataka State Pollution Control Board (KSPCB).

Accordingly, the quarry site of M/s Mookambika Stone Crusher, Sy. no. 176 of Yalagoli Village, Karkala Taluk, Udupi Dist was inspected by the Joint committee on 19th March 2020 and the inspection report of State Environmental Impact Assessment Authority (SEIAA) with regard to the allegations made by the appellant and the field observations made during joint committee inspection is enclosed herewith for further necessary action.


Scientific Officer
SEIAA, Karnataka

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**Inspection Report of State Environmental Impact Assessment Authority
(SEIAA) with regard to the Joint Committee appointed by Hon'ble
National Green Tribunal (NGT, SZ Chennai) vide order dated
06.02.2020 O.A. No 204/2017 (SZ).**

In the Appeal No.204/2017(SZ) filed by Sri. Ranjan Shetty the Hon'ble National Green Tribunal (NGT) Southern Zone, Chennai issued an Order dated 06.02.2020 directing to inspect the area in question by a Joint Committee comprising of District Collector, Udupi District, Senior Officer/Scientist from Regional office, Ministry of Environment, Forest and Climate Change (MoEF & CC), Bangalore, Senior Officer from State Environment Impact Assessment Authority (SEIAA), Karnataka and Senior Officer from Karnataka State Pollution Control Board (KSPCB) and ascertain whether the fourth respondent is having Environment clearance for doing mining in both the lease areas, whether he is complying with the conditions imposed in the environment clearance as well as consent to operate and other clearances. Whether there is any excess mining done, if so what is the quantity, whether the fourth respondent has provided all necessary pollution control mechanism to arrest the possible pollution within the prescribed norms, whether there is any damage caused to the nearby houses as alleged by the petitioner on account of the operation of the quarry by the fourth respondent and also ascertain the Ambient air quality as well as the water quality in that area and if there is any violation assess the environmental compensation which has to be collected by the fourth respondent and submit a factual and action taken report.

Accordingly, the quarry site of M/s Mookambika Stone Crusher, Sy no. 176 of Yalagoli Village, Karkala Taluk, Udupi Dist was jointly inspected by the Deputy Commissioner, Udupi District, Udupi Karnataka and Senior Environmental officer, KSPCB, Mangalore, Environmental officer, KSPCB, Udupi, Senior Geologist from District Mines and Geology Dept and Scientific Officer, State Environment Impact Assessment Authority (SEIAA), Karnataka) on 19th March 2020.

The following Officers were present during the Joint Inspection

Sl No	Name and Designation of the officials present
1	Sri G. Jagadeesh, Deputy Commissioner, Udupi District, Udupi
2	Sri Ramesh D Naik, Senior Environmental Officer, KSPCB, Zonal Office Udupi
3	Smt Vijaya Hegde, Environmental Officer,

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	KSPCB, Regional Office, Udupi
4	Sri Ravi Kumar. J. K Scientific Officer Gr-I State Environmental Impact Assessment Authority (SEIAA), Karnataka Bangalore.
5	Sri Ranji Naika, Senior Geologist, Mines and Geology, Udupi

The project proponent Sri Prasanna Shetty was present during joint inspection. During inspection the Deputy Commissioner, Udupi District, Udupi informed all the participating officers to submit the individual report with regard to the allegations made by the appellant and the field observations with respect to each Department/ Authority. Following are the observations on behalf of SEIAA on the issues raised by the Hon'ble National Green Tribunal (NGT).

- 1) Whether the fourth respondent is having EC for doing mining in both the lease areas:-

SEIAA, Karnataka has issued Environmental Clearance to Sri Prasanna Shetty, Soodaramane Kukkude, Kerebettu Village, Shivapura post, Karkala Tq, Udupi Dist vide no. SEIAA 458 MIN 2015 dated 18-09-2015 for Quarrying of Building Stone at Sy No 176/P1 of Shivapura Village, Karkala Tq, Udupi Dist for the existing Quarry lease bearing No. 258/2010-11 dated 23.07.2010 with a total quarry lease area of 3-00Acres for quarrying Building stone of capacity 4094TPA.

SEIAA, Karnataka has also issued Environmental Clearance to the same proponent bearing no. SEIAA 132 MIN 2014 dated 30-10-2014 for Quarrying of Building Stone at Sy No 176/P1 of Shivapura Village, Karkala Tq, Udupi Dist with a total quarry lease area of 3-00Acres for quarrying Building stone of capacity 4000TPA, which is adjacent to the above mentioned lease area. Whereas the Department of mines and Geology has granted lease limiting the area to 2.0Acres under quarry lease bearing No 358 dt.23.07.2015 against an EC for 3Acres without amending the Environmental clearance issued, which is mandatory as per the EIA Notification 2006.

- 2) Whether he is complying with the conditions imposed in the EC:-

The following observations made with reference to compliance to the ECs issued for both the leases bearing Lease No's 358 and 371(old 258)

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EC conditions for two leases	Status of Compliance to the EC conditions
A. SPECIFIC CONDITIONS	
1. Quarry plan approved by the Department of Mines and Geology shall be strictly implemented and shall not be operated beyond the validity period of the approved quarry plan.	The quarry operation is observed to have been deviated from the approved quarry plan
2. Baseline data on health profile of each of the workers shall be maintained.	Documents pertaining to health profile of the workers were not submitted.
3. PAs should get the health check up done for the quarry workers on quarterly basis and submit report periodically.	Evidences with regard to health check up of the workers were not submitted by project authorities.
4. The SEIAA, Karnataka reserves the right to withdraw the environmental clearance subject to any change in the quarrying policy by the State Government as may be applicable to this project.	-
5. This Environmental Clearance is co-terminus with the lease granted vide quarry lease MM(D&R) Act 1957/ KMMC RULES-1994.	-
6. Quarrying shall be undertaken strictly in accordance with provisions of MM (D&R) Act 1957 / KMMC RULES-1994.	-
7. All the conditions stipulated in the Consent for establishment issued (If applicable) by the Karnataka State Pollution Control Board should be effectively implemented.	-
8. The quarrying operations shall not intersect ground water table. Prior approval of the SEIAA / Ministry of Environment & Forests and Central Ground Water Authority shall be obtained for quarrying below water table.	Quarrying operations have not been carried out below ground level.
9. The topsoil if any should be stacked at earmarked site only and should not be kept unutilized for a period more than 3 years. The topsoil should be used for reclamation and plantation.	No topsoil is observed to have been stacked.

<p>10. Waste rock shall be stacked at earmarked site (s) only. The maximum height of the stack should not exceed 10m duly providing suitable terraces. The overall slope of the dump shall not exceed 27°. A retention wall shall be built around the waste rock dump to prevent sliding.</p>	<p>No waste rock dump site is observed to have been stacked.</p>
<p>11. Catch drains and siltation ponds of appropriate size should be constructed to arrest silt and sediment flows from quarry working area and rock dumps. The water so collected should be utilized for watering the haulage area, roads, green belt development etc., the drains should be regularly de-silted particularly after monsoon and maintained properly.</p>	<p>No catch drains and siltation ponds were observed in the project site.</p>
<p>12. Dimension of the retaining wall at the toe of dumps within the quarry to check run off and siltation should be based on the rainfall data.</p>	<p>No dumps are observed in the project site. Hence construction of retaining wall does not arise.</p>
<p>13. The project authority should implement suitable conservation measures to augment ground water resources in the area in consultation with the Regional Director, Central Ground Water Board within 3 months and report be submitted to the Authority.</p>	<p>No ground water augmentation works are observed.</p>
<p>14. Appropriate mitigation measures should be taken to prevent pollution of nearby water bodies in consultation with the State Pollution Control Board.</p>	<p>No measures to prevent pollution of water bodies are observed.</p>
<p>15. The project proponent shall submit commitment from the competent authority for drawl of requisite quantity of water for the project before starting work on the project.</p>	<p>Permission from Ground water authorities were not produced by project authorities.</p>
<p>16. Suitable rainwater harvesting measures on long-term shall be planned and implemented in consultation with Regional Director, Central Ground Water Board for complete rain water harvesting by constructing check dams/converting quarried pits to rain water harvesting ponds.</p>	<p>No rain water harvesting measures implemented.</p>

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<p>17. Vehicular emissions should be kept under control and regularly monitored. Measures shall be taken for maintenance of vehicles used in quarrying operations and in transportation of blocks.</p>	<p>The quarries are not working. Therefore compliances with regard to vehicular emissions could not be observed.</p>
<p>18. Digital processing of the entire lease area using remote sensing technique should be done regularly once in three years for monitoring land use pattern and report submitted to SEIAA Karnataka, Department of Environment and Ecology, Govt. of Karnataka and the APCCF, Regional Office, MoEF, Bangalore.</p>	<p>Digital processing of the lease areas using remote sensing are not observed.</p>
<p>19. This environmental clearance does not confer any right to the proponent on the land proposed for quarrying until and unless quarry lease and all other statutory clearance are obtained from the respective department/agencies.</p>	<p>-</p>
<p>20. The project authorities should undertake sample survey to generate data on pre-project community health status within a radius of 1 km from proposed quarry.</p>	<p>No documents with regard to pre-project community health status have been produced.</p>
<p>21. Consent to operate if applicable shall be obtained from State Pollution Control Board prior to start of production from the quarry.</p>	<p>Quarrying operation will not require consent to operate from KSPCB.</p>
<p>22. Proper sanitary facilities should be installed for the colony/work place. Domestic waste generated should be disposed in a scientific manner. Proper first aid facilities and health care facilities should be provided for the labourers.</p>	<p>No sanitary facilities are observed.</p>
<p>23. The project proponent shall take all precautionary measures during quarrying operation for conservation and protection of endangered fauna spotted in the study area. Action plan for conservation of flora and fauna shall be prepared and implemented in consultation with the State Forest and Wildlife Department. The proponent shall contribute towards the cost of implementation of the plan and /</p>	<p>No data on the endangered fauna is available with the project authorities and no action plan for the conservation of the same is observed.</p>

<p>or Regional Wildlife Management Plan for conservation of wild life. The amount so contributed shall be included in the project cost. A copy of the action plan may be submitted to the SEIAA, Department of Environment and Ecology, Govt. of Karnataka, and the Regional Office, MoEF, Bangalore within 3 months.</p>	
<p>24. The project proponent shall delineate Quarry Closure Plan/ exit protocol to rehabilitate the quarried out land to match its surrounding land use including removal, storage and reuse of waste rock from quarry area to cover reclaimed area. Post Quarry Land Use Plan with rehabilitation of quarried out area (with Plan and Section) provided and submit to SEIAA.</p>	<p>Quarry closure plan is part of the approved quarry plan, the same need to be complied with.</p>
<p>25. Plantation monitoring programme during post project period for ensuring survival and growth rate of plantation in reclaimed area.</p>	<p>The quarries are ongoing. Hence post project plantation monitoring does not arise.</p>
<p>26. A Final Quarry Closure Plan along with details of Corpus Fund should be submitted to the SEIAA Karnataka, Department of Environment and Ecology, Govt. of Karnataka and the Regional Office, MoEF, Bangalore 5 years in advance of final quarry closure for approval.</p>	<p>The quarries are ongoing. Hence approval of the quarry closure plan does not arise.</p>
<p>27. Retention walls should be a minimum of 2.5mtr height with base of 3mtr.</p>	<p>No retention walls are required, as there are no dumps.</p>
<p>28. Check dams and gully plugs along the smaller streamlets in the area, should be constructed to arrest the loose soil flow from the quarry area.</p>	<p>No check dams and gully plugs are observed.</p>
<p>29. Particulars of dimensioned block production and dispatch shall be provided by the quarry owner yearly.</p>	<p>Production details were not produced by the project authorities.</p>
<p>30. The infrastructure of transport roads should be improved collectively by the quarry owners of the area.</p>	<p>The connecting roads to the quarries are metalled.</p>

31. Link road from quarry site to main road shall be maintained and black topped by the project proponent.	Link road from quarry site to main road is not blacktopped.
32. The quarry lease area to be properly demarcated using the lat-long coordinates and duly erecting 4 feet concrete/granite pillars on the ground.	Boundary stones are erected.
33. No quarrying shall be undertaken outside the lease area.	No violations are observed.
34. The project Authorities shall maintain a margin of 7.5 meters along the lease boundary except in case where common boundary working permission is obtained from the competent authority.	Both the quarries are adjacent to each other. No common boundary permission is obtained from competent authorities and also no buffer zone is maintained. Hence a violation
35. The project proponent shall prevent damage to adjoining government land, from fire due to activities during quarrying operation.	No damages to adjacent lands were observed.
36. The project authorities shall also earmark at least 5 % of the total turnover of the project towards the corporate social responsibility and item-wise details along with time bound action plan shall be prepared and submitted to the Authority.	No documents with regard to CSR works have been produced by the project authorities.
37. The project authority shall ensure that the quarry pits are well protected erecting a compound wall of stone masonry of appropriate height conforming to safety norms.	No compound walls were observed.
38. The project authority shall avoid stagnation of water in the quarry pits which would turn out to be mosquito breeding centres resulting in spreading of diseases such as malaria, dengue, etc.	No stagnation of water is observed.
39. Haulage approach road should not be through village till the main road is reached.	No village on the haulage approach road was observed.
40. The project authorities shall get the annual health check up of quarry workers as well as people in the nearest vicinity of the quarry for respiratory diseases such as silicosis and maintain records. Appropriate care shall be	No documents with regard to annual health check up of quarry workers were produced by project authorities.

taken for remedy in case of prevalence of such health disorders.	
41. The final order of the government regarding areas coming under Western Ghats and Court judgements regarding Eco- Sensitive zone shall be binding on the project Authority.	The project site is not part of the Western Ghats ESA.
B. GENERAL CONDITIONS	
1. No change in quarrying technology and scope of working should be made without prior approval of the SEIAA Karnataka.	Not complied in both the leases. No common boundary working permission is obtained and no modified EC obtained due to reduction in the quarry area.
2. No change in the calendar plan including excavation, quantum of mineral and waste should be made.	No documents on the compliance are produced during inspection.
3. It shall be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the MoEF, Govt. of India, New Delhi.	Project authorities have not maintained AAQ data and KSPCB to confirm with regard to the compliance on the AAQ standards.
4. Data on ambient air quality (PM ₁₀ , PM _{2.5} , SO ₂ , NO _x) should be regularly submitted to the SEIAA Karnataka and the Regional Office, MoEF, Bangalore and the State Pollution Control Board / Central Pollution Control Board once in six months.	Project authorities have not maintained AAQ (PM ₁₀ , PM _{2.5} , SO ₂ , NO _x) data and KSPCB to confirm with regard to the compliance on the AAQ (PM ₁₀ , PM _{2.5} , SO ₂ , NO _x) standards.
5. Fugitive dust emission from all the sources should be controlled regularly. Water spray arrangement on haul roads, loading and unloading and at transfer points should be provided and properly maintained.	The quarrying is not in operation. However the project authorities confirmed that during quarry operations all measures for suppression of fugitive dust were undertaken.
6. Measures should be taken for control of noise levels below 85 dBA in the work environment. Workers engaged in operations of HEMM, etc should be provided with earplugs / muffs.	The quarrying is not in operation. However the project authorities have confirmed that during quarry operations the ambient noise level is maintained below prescribed limit of 85db.
7. Waste water from the quarry should be properly collected, treated so as to conform to the standards prescribed under GSR 422 (E) dated 19th may 1993 and 31st December, 1993 or as amended from time to time. Oil	No arrangements with regard to waste water treatment.

<p>and grease trap shall be installed before discharge of effluents.</p>	
<p>8. Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects.</p> <p>Occupational health surveillance program of the workers should be undertaken periodically i.e. once in 3 months to observe any contractions due to exposure to dust and take corrective measures, if needed. Quarterly report in this regard should be submitted to the Department of Environment and Ecology, Govt. of Karnataka and the Karnataka State Pollution Control Board and the Regional Office, MoEF, Bangalore.</p>	<p>No arrangements regarding personnel protective respiratory devices were observed. No records regarding occupational health surveillance were produced.</p>
<p>9. A separate environmental management cell with suitable qualified personnel shall be set-up under the control of a Senior Executive, who will report directly to the Head of the organization. The Environment management committee should be constituted with one of the member representing nearby village.</p>	<p>No environmental cell is established.</p>
<p>10. The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the SEIAA Karnataka, the Department of Environment and Ecology, Govt. of Karnataka, and Ecology, Government of Karnataka, and the Regional Office, MoEF, Bangalore.</p>	<p>No details on account maintained for environmental protection measures were submitted by project authorities.</p>
<p>11. The project authorities should inform the SEIAA Karnataka, Department of Environment and Ecology, Govt. of Karnataka, and the Regional Office, MoEF, Bangalore regarding date of financial closures and final approval of the project by the concerned authorities and the date of start of land development work.</p>	<p>No information regarding financial closure and final approval of the project were produced by the project authorities.</p>

<p>12. The APCCF, Regional Office of MoEF, Bengaluru; the Department of Environment and Ecology, Govt. of Karnataka and the Karnataka State Pollution Control Board shall monitor compliance of the stipulated conditions. The project authorities should extend full co-operation to the Officer (S) of these offices by furnishing the requisite data / information / monitoring reports.</p>	<p>Extended co-operation by project authorities during inspection</p>
<p>13. The project proponent shall submit six monthly report on the status of the implementation of the stipulated environmental safeguards to the SEIAA Karnataka, Department of Environment and Ecology, Government of Karnataka and the APCCF, Regional Office, MoEF, Bengaluru; the Central Pollution Control Board and the Karnataka State Pollution Control Board.</p>	<p>No six monthly compliance report submitted to the authorities.</p>
<p>14. A copy of the clearance letter will be marked to the concerned Panchayath. Local NGO, if any, from whom suggestion / representation has been received while processing the proposal.</p>	<p>No records regarding submission of EC copy to the concerned local Panchayath.</p>
<p>15. The project proponent should display the conditions prominently at the entrance of the project on a big panel board for the information of the public.</p>	<p>No display of conditions at the entrance of the site was observed.</p>
<p>16. The Karnataka State Pollution Control Board should display a copy of the clearance letter at the Regional office, District Industry Centre and Collector's office/Tehsildar's office for 30 days.</p>	
<p>17. The project authorities should advertise at least in two local newspapers widely circulated, one of which shall be in the vernacular language of the locality concerned, within 7 days of the issue of the clearance letter informing that the project has been accorded environmental clearance and a copy of the clearance letter is available with the State Pollution Control Board and also at http://environmentclearance.nic.in website of the MoEF&CC and http://seiaa.karnataka.gov.in website of</p>	<p>No records regarding advertisement in local news papers were produced.</p>

SEIAA, Karnataka. A copy of the same should be forwarded to the Department of Environment and Ecology, Government of Karnataka and the Regional Office, MoEF&CC, Bangalore.	
18. Concealing factual data or submission of false/fabricated data and failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environmental (Protection) Act, 1986.	Non compliance on the conditions was observed.
19. Any appeal against this environmental clearance shall lie with the National Green Tribunal, if preferred, within a period of 30 days as prescribed under Section 16 of the National Green Tribunal Act, 2010.	
20. The SEIAA or any other competent authority may alter / modify the above conditions or stipulate any further condition in the interest of environment protection.	
21. Failure to comply with any of the conditions mentioned above may result in withdrawal of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.	
22. The above conditions will be enforced inter-alia, under the provisions of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981, the Environment (Protection) Act, 1986 and the Public Liability Insurance Act, 1991 along with their amendments and rules made there under.	

3) Whether there is any excess mining done, if so what is the quantity:-

The mined out quantity details to be submitted by the Department of Mines and geology officials, who are the member of the inspection committee.

4) Whether the fourth respondent has provided all necessary pollution control mechanism to arrest the possible pollution within the prescribed norms:-

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No mechanism to arrest pollution was observed as the quarry is not operating during inspection. However details regarding pollution control mechanisms are to be provided by the KSPCB.

- 5) Whether there is any damage caused to the nearby houses as alleged by the petitioner on account of the operation of the quarry by the fourth respondent:-

During inspection no damages caused due to quarrying/blasting was observed. The local residents also confirmed that there are no damages on this count.

- 6) Ascertain the Ambient Air Quality as well as the water quality in that area:-

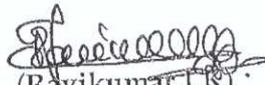
Ambient Air Quality and water quality to be ascertained by KSPCB.

- 7) If there is any violation assess the Environmental compensation which has to be collected by the fourth respondent:-

The KSPCB to assess the Environmental compensation as per CPCB norms.

- 8) Suggestions on Factual and action taken report:-

- a) Action is to be initiated for non compliance of EC conditions under the provisions of EPA act.
- b) The project authorities need to be directed for payment of environmental compensation after due estimate.
- c) Environmental clearance/CFE/CFO/Mining lease need to be suspended until compliance is ensured and environmental compensation is paid..


(Ravikumar.J.R.)
Scientific Officer Gr-I
SEIAA, Karnataka
Bangalore

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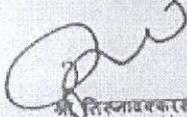
**Direction of Hon'ble NGT dated 06.02.2020 in OA 204 of 2017 (SZ)-
Constitution of Committee - Comments of Regional Office, MoEFCC,
Bangalore.**

This has reference to the committee constituted based on the order of Hon'ble NGT dt 06.02.2020 in the matter of OA 204 of 2017 (SZ).

As I could not participate in the Joint inspection due to health issue, the half yearly compliance report has been sought from the Project Authority (PA) and the same has been examined.

It was noted that the compliance report submitted by the PA was incomplete. There were no information on compliance detail on certain conditions, supportive documents on the compliances have not been submitted. In view of the above, PA was addressed vide mail dated 09.04.2020 to provide certain additional information. PA has submitted reply in June 2020. The details submitted and the remarks are enclosed. It is noted from the information submitted by the PA that **the compliance of EC conditions is unsatisfactory**. The matter was also discussed with the member of the Committee who visited the project and learnt that the compliance to the EC conditions is very poor.

The SEIAA, Karnataka has granted EC to the above project and according to SO 637 (E) dated 28.02.2014 (Copy enclosed), SEIAA, Karnataka is empowered to act against the non-compliances of the project.


श्री. विरुनावरसु
Shri E. Thirunavukarasu
सैज्ञानिक
Scientist
भारत सरकार
पर्यावरण वन एवं जल संसाधन विभाग
Ministry of Environment, Forest and Climate Change
क्षेत्रीय कार्यालय (दक्षिण क्षेत्र)
Regional Office, (Southern Zone)

Compliance details submitted by the Project Authority and remarks

Sl.No.	EC conditions	Reply/ submitted by the PA	Remarks
1.	Copy of health records of at least two workers [Specific condition No. 2]	Copy of the health report carried out in May 2020 has been submitted	After the observation of non-compliance, PA has carried out health check-up and submitted.
2.	Photograph of topsoil storage/ utilisation [Specific condition No. 9]	There is no excavation of topsoil as the Building stone is above the earth.	No Comments
3.	Photograph on stock of waste rock [Specific condition No. 10]	No waste rocks in the site as all hardstones are crushed.	No comments
4.	Photographs of catch drain, siltation pond [Specific condition No. 11]	Photograph submitted	Not complied. The drains and ponds shown in the photograph are not properly lined with impervious flooring.
5.	Photograph of retaining wall [Specific conditions No. 12 & 27]	Photograph of compound wall was submitted	Not complied. As per the EC, retaining wall is to check the run-off and siltation and the dimensions specified is 2-5 m height and 3 m base. What has been submitted is compound wall.
6.	Details of water conservation measures [Specific condition No. 13]	Rainwater is harvested	Details have not been submitted.
7.	Details of water bodies nearby if any [name, distance, photograph, slope / level difference from the site etc.] [Specific condition No.14]	There are no water bodies in the area.	No comments

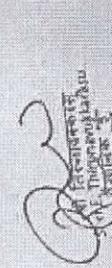

 Project Authority
 Ministry of Health and Family Welfare
 Regional Office, (S.O. 100/2019)
 Bangalore

	Copy of the pollution under certificate for the vehicles used [Specific condition No.17]	Submitted for two vehicles	It shall be for all the vehicles used.
8.	Copy of digital processing of the site [Specific condition No.18]	Sketch submitted	Not complied. As per the EC, digital processing of the lease area shall be done using remote sensing technique once in three year to monitor the land use pattern.
9.	Health records of people within 1 km radius [Specific condition No.20]	Copy of two reports submitted.	Not complied. As per the EC, it is for the public residing within one km radius.
10.	Details of plantation- total area of the site, area of plantation, photograph and layout showing plantation [Specific condition No.25]	Out of 3 acres, 0.57 acres has been reserved for green belt and it is covered by natural vegetation.	Appears PA maintains natural vegetation. As per the EC, the PA should have post project Plantation programme also.
11.	Photograph of check dams [Specific condition No.28]	Photograph of a pond submitted.	Not complied. The ponds shown in the photograph is not properly lined with impervious flooring.
12.	Photograph of link road, length, [Specific condition No.31]	Submitted	No Comments
13.	Photograph showing 7.5 m margin at the boundary [Specific condition No.34]	Submitted	No Comments
14.			


 Joint Secretary
 Ministry of Environment, Forest & Climate Change
 Government of India
 New Delhi

15.	Details of CSR activities carried out along with budget and supportive documents [Specific condition No.36]	Providing scholarships and medical facility to poor and needy.	No supportive documents have been provided.
16.	Copy of the latest ambient air quality monitoring report [General Condition No.3]	Submitted	Report of March 2020 has been submitted. All the parameters are within the limit.
17.	Photographs on water sprinkling [General Condition No.5]	Submitted	No Comments
18.	Copy of the latest noise level monitoring [General Condition No.6]	There is no deep hole drilling and blasting.	Not complied.
19.	Wastewater generation and method of disposal [General Condition No.7]	There is no wastewater generation	No Comments
20.	Details of Environment Management Cell [General Condition No.9]	Formed EMC consists of local people	Not complied. EMC should be within the project staff including a qualified person in the filed of environment.
21.	Details of funds earmarked for Environmental management [General Condition No.10]	Regularly providing funds	Details not submitted
22.	Copy of the advertisement made on EC [General Condition No.17]	Typed advertisement material was submitted	Advertisement copy was not submitted

True Copy


 Regional Director
 Ministry of Environment, Forest & Climate Change
 Regional Office, Southern Zone

ANNEXURE 6



GOVERNMENT OF KARNATAKA
Office of the Senior Geologist, Dept. of Mines and Geology, I st floor
Rajatadri, Manipal, Udupi-576104

E-mail : sgdmgudupi@gmail.com

Tel (0820)2572333

No. SG/ DMG/UDUPI/QL/2020-21/ 1253

Date: 16.07.2020

To,

✓ The Environment Officer
Karnataka Pollution Control Board
Udupi District.

Sir,

Sub: Submitting information/compliance of Order dated:
20.09.2017 and 02.06.2020 in O.A No.204 of 2017
in the Matter of Bhoja Shetty and Ors versus
The Deputy Commissioner, Udupi, Karnataka State
and Ors.

Ref :1.Order of Hon'ble NGT dated: 02.06.2020 in O.A No.204
of 2017.

2. Your Letter No: KSPCB/RO/Udupi/NGT-OA No.
204/2017/2019-20/1279 Datd:12.03.2020.

Adverting to the above subject and reference, the Hon'ble National Green Tribunal by order dated : 02.06.2020 in O.A. No. 204 of 2017 in the Matter of Bhoja Shetty versus The Deputy Commissioner, Udupi, Karnataka State and Ors directed the District Collector, Udupi shall ensure compliance of this order and file his report on the next date of hearing which shall also include the nature of quarrying effected by 4th respondent.

In compliance of the directions, a spot inspection was carried out on 19.03.2020 along with Deputy Commissioner, scientific officer, (SEIAA) Bangaluru, Environmental Officer of KSPCB,

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Tahasildar Hebri, Geologist and Junior Engineer. The details of Quarrying activity carried out in Sy.No.176/P1/P1 in Shivapura Village of Karkalla Taluk, Udupi District and Quantity of mineral removed from the area are as follows:

1. (A) Quarry Lease No. 371

1. Date of Grant of Quarry Lease : 17.11.2014
2. Period of Quarry Lease : 10 Years
(From:17.11.2014 To 16.11.2024)
3. Date of Grant of EC : 18.09.2015
4. Dispatch Quantity as per Audit Report : 58,043 MT
5. Adjacent to the Quarry Lease area there are Old Working and Excavation from the area (as per Drone Survey) : 1,13,683 MT
6. Quantity Dispatched before Issuance of EC: 42,828 MT
7. Quantity Dispatched after Issuance of EC: 15,215 MT

2. (B) Quarry Lease No.- 358.

1. Date of Grant of Quarry Lease : 13.05.2013
2. Period of Quarry Lease : 10 Years
(From: 13.05.2013 To 12.05.2023)
3. Date of Grant of EC : 30.10.2014
4. Dispatch Quantity as per Audit Report : 30,400 MT
5. Adjacent to the Quarry lease area there are old working and excavation from the area (as per Drone Survey) : 123 MT
6. Quantity Dispatched before Issuance of EC : 15,900 MT
7. Quantity Dispatched after Issuance of EC : 14,500 MT

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3. (c) Quarry Lease No - 109

1. Date of Grant of Quarry Lease : 21.07.2008
2. Period of Quarry Lease : 20 Years
(From 21.07.2008 To 12.05.2028)
3. Date of Grant of EC : 07.08.2015
8. Dispatch Quantity as per
4. Audit Report : 73,978 MT
5. Adjacent to the Quarry lease area there are old working
and excavation from the area (as per Drone Survey) : 3,37,084 MT
6. Quantity Dispatched before Issuance of EC : 43,450 MT
7. Quantity Dispatched after Issuance of EC : 30,528 MT

It is informed that there are three Quarry Leases were operational in Sy.No.176/P1/P1 and a perusal of Google imageries shows that quarrying activity was carried out before grant of lease in various places in Sy.No.176/P1/P1.

This is for your kind information.

Your Faithfully
[Signature]
Senior Geologist
16.7.20
Dept. of Mines & Geology
Udupi

- Copy To: 1. The Director, Dept. of Mines & Geology, Bengaluru for your kind information.
2. Deputy Commissioner, Udupi District. for your kind information.

4 - True Copy
[Signature]

ANNEXURE-7

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CALCULATION OF ENVIRONMENTAL COMPENSATION IN RESPECT OF M/S MOOKAMBIKA INDUSTRIES, SY NO. 176, SHIVAPURA VILLAGE, KARKALA, UDUPI, IN THE MATTER OF ORIGINAL APPLICATION NO. 204 OF 2017 (SZ) FILED BY BHOJA SHETTY & OTHERS Vs UNION OF INDIA & ORS SUBMITTED BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, CHENNAI, AS PER THE ORDER DATED 06.02.2020

1.0 Preamble:

In the matter of Original Application No 204 of 2017 (SZ) of Sri. Bhojashetty and another Vs Deputy Commissioner & Ors., the National Green Tribunal (NGT), Southern Bench has passed an order dated 6th February 2020 (*Annexure 1*) and directed that "... Under the circumstances, in order to ascertain the real state of affairs, we feel it appropriate to appoint a Joint Committee comprising of District Collector, Udupi District, Senior Officer/Scientist from Regional office, MoEF and CC, Bangalore, State Level Environment Impact Assessment Authority(SELAA), Karnataka, and Senior Officer from Karnataka State Pollution Control Board, to inspect the area in question and ascertain whether the fourth respondent is having Environmental Clearance for doing mining in both the lease areas, whether he is complying with the conditions imposed in Environmental clearance as well as consent to operate and other clearances., whether there is any excess mining done, if so, what is the quantity, whether the fourth respondent has provided all necessary pollution control mechanism to arrest possible pollution within the prescribed norms, whether there is any damage caused to the nearby houses as alleged by the petitioner on account of the operation of the quarry by the fourth respondent and also ascertain the ambient air quality as well as water quality in that area and if there is any violation, assess the environmental compensation which has to be collected by the fourth respondent and submit a factual and action taken report before this Tribunal within a period of two months.

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Karnataka State Pollution Control Board will act as the nodal agency for co-ordination and also for providing necessary logistics for this purpose... ”

The Joint Committee accordingly inspected the location in question on 19th March 2020. During the process of inspection, the Committee has observed violations with respect to i) EC conditions and ii) KSPCB consent conditions.

Consent under Air Act, 1981 is issued by KSPCB and there is methodology developed by Central Pollution Control Board for assessment of environmental compensation. As per the monitoring report of KSPCB, water and air quality around the crusher area is within the prescribed norms. Never the less, the stone crusher has operated without valid consent from KSPCB which is violation and apart from this, there are some non-compliance to the consent conditions itself. Hence, based on the CPCB guidelines, Environmental Compensation is assessed as below:

2.0 Policy for Levying Environmental Compensation(EC) for Industries

In compliance of the Hon'ble NGT order, to assess the Environmental Compensation based on "Polluter Pays Principle" under Section 20 of the National Green Tribunal Act, 2010, the following cases are considered for levying Environmental Compensation as per CPCB guidelines:

- a) Discharge in violation of consent conditions, mainly prescribed standards / consent limits.
- b) Not Complying with the directions issued, such as direction for closure due to non-installation of OCEMS, non-adherence to the action plans submitted etc.
- c) Intentional avoidance of data submission or data manipulation by tampering the online continuous emission/ effluent monitoring systems.

- SO
- d) Accidental discharges lasting for short durations resulting into damage to the environment.
 - e) Intentional discharges to the environment - Land, Water and Air resulting into acute injury or damage to the environment.
 - f) Injection of treated/ partially treated / untreated effluents to ground water.

After considering various factors including the policy implementation issues, CPCB has recommended the following formula for levying environmental compensation in instances as mentioned at a), b) and c) including non-compliances of the environmental standards/violation of directions. Accordingly, the Environmental Compensation (EC) is estimated based on the following formula:

$$EC = PI * N * R * S * LF$$

Where,

PI - Pollution Index of industrial sector, R - A factor of Rupees for EC
 N - Number of days of violation took place LF - Location Factor
 S - Factor for scale of operation

The formula incorporates the anticipated severity of environmental pollution in terms of pollution index, duration of violation in terms of number of days, scale of operation in terms of micro and small / medium / large industries and location in terms of proximity to the large habitations.

3.0 Assessment of Environmental Compensation

KSPCB has assessed the Environmental Compensation of above said industry, the details are as follows:

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M/s Mookambika Industries, Sy No. 176, Shivapura village, Karkala Taluk,
Udupi:

This unit is engaged in stone crushing activity and is categorized as Small Orange,, operating without valid consents under Air (Prevention & Control of Pollution) Act 1981. The consent is expired on 18.11.2018 and since then, the unit is operating without valid consent from the KSPCB.

Following non-compliance is considered for assessing the EC.:

Sl. No	Non-compliances noticed	Date / Period	Remarks
1	The stone crusher is operating without valid consent from the Board	19.11.2018 to 19.03.2020 (312 days)	As per KSPCB records

The estimation of EC is

$$EC = PI * N * R * S * LF$$

- ❖ **Pollution Index (PI):** The unit is falling under the category of Orange, accordingly the average PI suggested is 50.
- ❖ **Number of Days of violation took place (N):** The details of non-compliance period are:

Non Compliance Period		Number of Days
From	To	
19.11.2018	19.03.2020*	312 days leaving 4 months of rainy season and considering 52 Sundays
Total Days		312 days

Note : * Committee inspection date

- ❖ **A factor of Rupees for EC (R):** It is opined to consider Rs 100/ as a factor being a small unit.
- ❖ **Factor for scale of operation (S):** Small category and the factor is 0.5
- ❖ **Location Factor (LF):** The total population is < 1Million and the factor is 1.0

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According to above factors:

$$\begin{aligned} EC &= PI * N * R * S * LF \\ &= 50 * 312 * 100 * 0.5 * 1.0 \\ &= 7,80,000/- \end{aligned}$$

The Environmental Compensation (EC) estimated is Rs.7,80,000/- (Rupees Seven Lakhs Eighty Thousand only).

4.0 Summary

As per the Hon'ble NGT, Chennai direction, KSPCB has estimated the Environmental Compensation of M/s Mookambika Industries, Sy. No,176, SHivapura village, Karkala Taluk for operating without KSPCB consent by following the methodology evolved by CPCB. Accordingly, the summary of EC estimated is Rs.7,80,000/- (Rupees Seven Lakhs Eighty Thousand only).


Environmental Officer, KSPCB,
Regional Office, Udupi


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ANNEXURE-8

Compliance Status of Stone Crusher Unit of M/s Mookambika Industries, Sy.no.176, Shivapura-1 village, Karkala Tq Udupi District to Consent order No. 599/PCB/346/MIN/2017-18/OB/1290 Dated 27.03.2018 of KSPCB:

Sl.No	Terms & Condition	Compliance Status
1	As per the Karnataka Regulation of Stone Crusher Act, 2011, this Consent is granted for which are located inside safer zone and <u>license</u> is issued by the Licensing authority for the period up to 18.11.2018 as per section 4 (2) of the said Act, on their fulfilling the provisions of Air (Prevention & Control of Pollution) Act, 1981, and Rules made there under,. This is subject to any Court Order that may be issued from time to time.	Validity period of consent issued under Air Act, 1981 & Form -C issued by the District Stone Crusher Licensing authority are expired on 18/11/2018.
2	There shall not be any trade effluent generation from the industry	There is no generation of process effluents in the industry as it is only stone crushing activity.
A.	Discharge of Emissions Under The Air Act-1981	
	The Discharge of Emission from the premises of the applicant shall pass through the stack/chimney/ outlet mentioned in this consent order where from the Board shall be free to collect the samples at any time in accordance with the act and Rules made there under.	This is general condition and is not applicable to the stone crusher. However, there is one DG set of 125 KVA in the industry premises. The crusher authority has placed the DG set in a closed room and provided chimney up to roof level. Chimney height is inadequate and there is no in built acoustics to the DG set.

2	The applicant shall provide control equipment as approved by the Board for the control of emissions.	Details of air pollution control measures adopted by the industry are as indicated in Annexure-A enclosed with this report. There is partial compliance to the consent conditions as can be seen in the Annexure A.
3	The applicant shall provide air pollution control measures as indicated in Annexure-I within 15days from this order.	
B General Conditions		
1.	This Consent is issued without prejudice to the any court case the stone crusher and the consent issued is valid up to 18.11.2018 (co-terminus with the validity of Form-C) and if there is any cancellation of Form- C, then CFO issued will be automatically cancelled. And the provisions of Sec6 &6A of Karnataka Regulation of Stone Crusher Amendment Act, 2013 shall be complied.	Consent issued by KSPCB and license/ Form -C issued by the District Stone Crusher licensing authority, both are expired on 18/11/2018. Compliance to the provisions of Sec 6 & 6A of Karnataka Regulation of Stone Crusher Amendment Act, 2013 is enclosed with the report as Annexure B. There is partial compliance to these provisions.
2.	The applicant shall not change or alter quality or quantity or the rate of discharge or temperature or the route of discharge without the previous consent of the Board.	Complied
3	The applicant shall promptly comply with all orders and instruction issued from time to time by the Board or any other officers of the Board duly authorized in this behalf.	Partially complied

4	The applicant shall display consent granted in a prominent place for perusal of the inspecting officers of the Board.	Complied SS
5	The applicant shall monitor the Ambient Air Quality adjacent to the boundary of the stone crusher. The Ambient Air Quality shall conform to National Ambient Air Quality Standards stipulated in Environment (Protection) Seventh Amendment Rules, 2009, as per Annexure-I	Not complied, the applicant is not submitting the ambient air quality monitoring reports.
6	In case of any public complaint due to operation of unit in respect to Air Pollution, industry shall stop its operation completely.	Not complied, there are public complaints against the crusher unit before Hon'ble NGT.
7	Whenever the stone crushing unit is in the vicinity of the water body, the unit must have a restraining wall between its premises & the Water body to prevent carryover of fine dust to the water body in the rainy season.	There is no water body in the vicinity of the crusher unit. The industry has constructed two settling pits in the water flowing <i>nulla</i> for retaining of dust flowing with rain water.
C. SOLID WASTE		
1.	The Solid wastes collected in the factory premises as shall be disposed off scientifically to the satisfaction of the Board so as not to cause fugitive emissions, dust problems or water pollution problems through leaching etc, of any kind	Complied Dust is used for making interlocking bricks & solid blocks. The industry is manufacturing these products in the same premises with consent from the KSPCB.

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2	The applicant shall plant and maintain adequate number of trees like Eucalyptus, Subabul etc, in and around the industry with a density not less than 1000 trees per acre and improve the Environment and aesthetic appearance of the industry and the surroundings.	Partially Complied, Recently planted around 100 saplings. Total extent of land available is 2 acres, out of which 1.25 acres is utilised for the machineries and conveyor belts, bunkers, raw materials and product storage including roads. Out of remaining land available, 50% is extension of the stone quarry and the industry has planted saplings in the remaining 50 % area. Availability of land for plantation within the premises is very less, it's only along the boundary line.
D.	HAZARDOUS & OTHER WASTE (MANGEMENT & TRANSBONDRY MOVEMENT) RULES, 2016	
1	The industry shall comply with Hazardous & Waste (Management & Trans boundary Movement) Rules 2016.	Not applicable
E.	NOISE MONITORING AND REPORTING	
1	The applicant shall take step to control noise level so as to maintain ambient air quality standards in respect of noise as laid down under the Air (Prevention & Control of Pollution) Act, 1981.	Noise monitoring report not submitted.
F	MONITORING AND REPORTING	

1	The applicants shall carryout monitoring of emission every six months and furnish the reports of analysis to the area Regional Officer.	Not complied, the applicant is not submitting the emission monitoring reports.
2	The analysis of emission may be carried out at in- house laboratory/KSPCB approved laboratory/ laboratories approved under Environment (Protection) Act, 1986.	
3	The applicant shall maintain log books to reflect the working condition of pollution control systems and also self-monitoring results and keep it open for inspection.	Not Applicable since there are no mechanical control equipments in the present case.
4	The applicant, his heirs, legal representatives, or assigns have no claims what so ever to the constitution or renewal of this consent after expiry of the period of consent.	-
5	The applicant shall forth with keep the Board informed of any accident of unforeseen act or event of any poisonous, noxious or polluting matter of emissions are being discharged into stream or well or air as a result of such discharge, water or air is being polluted.	Complied, industry has informed the accidents from time to time

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6	The Board reserves the right to review, impose additional condition, revoke, change or alter terms and conditions of this consent.	-
7	The applicant shall make an application for consent at least 120days before expiry of this consent.	Not Complied, industry is operating without valid consent from the Board. Consent has expired on 18/11/2018, they have not applied for renewal of Consent.

ANNEXURE - A

(Air pollution control measures for Stone Crushers)

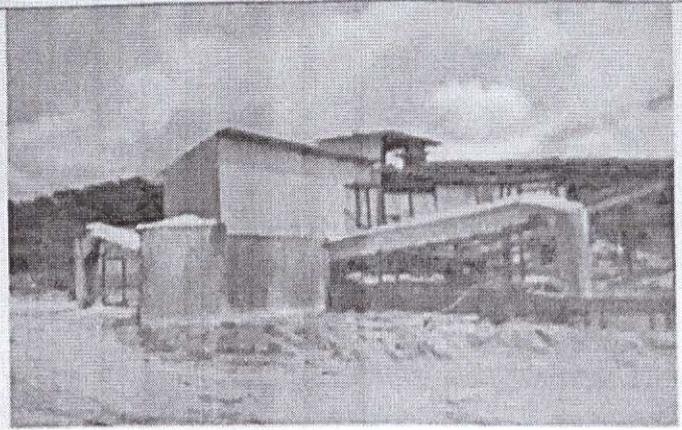
Sl No	Conditions	Compliance Status
1.	The jaw crusher, the chute and conveyor system of crushed stone to be covered with suitable semi circular M.S. Sheet /Zinc sheet, etc. Suitable exhaust and venting system of adequate capacity to be provided to guide the dust emanating from the crushers into the stack.	Jaw Crusher, Conveyor systems are covered with semi circular GI sheets.
2.	The rotary screen to be completely covered, leaving space at bottom for collection of the sieved jelly.	There is vibratory screen instead of rotary screen and the same is covered with GI sheets
3.	The conveyor belts, chutes especially carrying smallest particles should be covered with semi circular M.S. Sheets and heaps shall be located in appropriate sheds wherever possible with all possible arrangements to prevent escape of dust during loading and unloading operation.	Conveyor belts & chutes are covered with GI sheets. Closed bunker provided for loading of finished products.

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Photos of air pollution control measures adopted in the premises are as below:



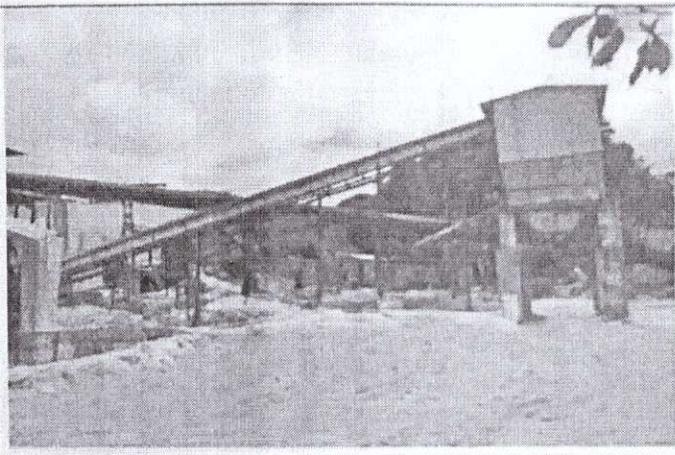
Crusher Plant



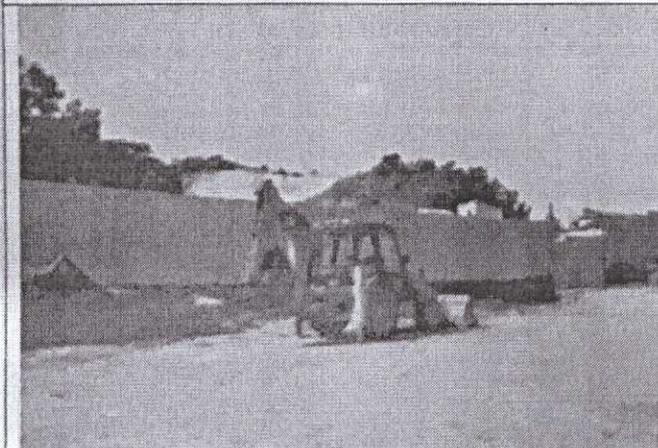
All units of Crusher Plant covered with GI Sheet



Primry Crusher & Secondary Crusher covered with GI Sheet



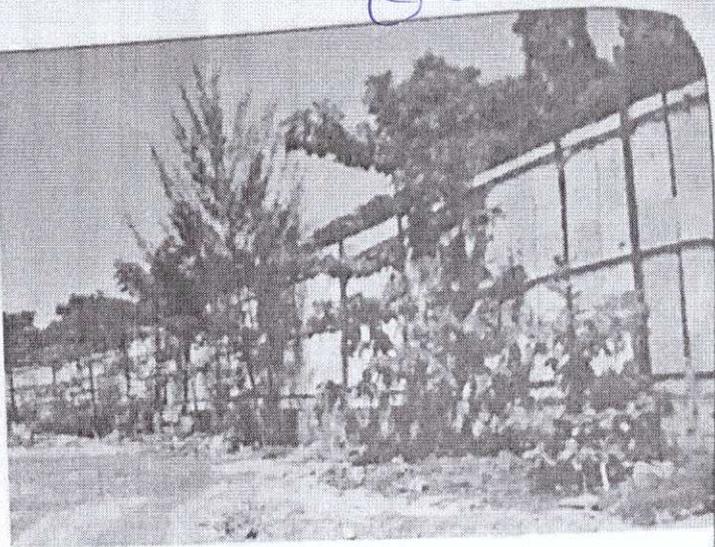
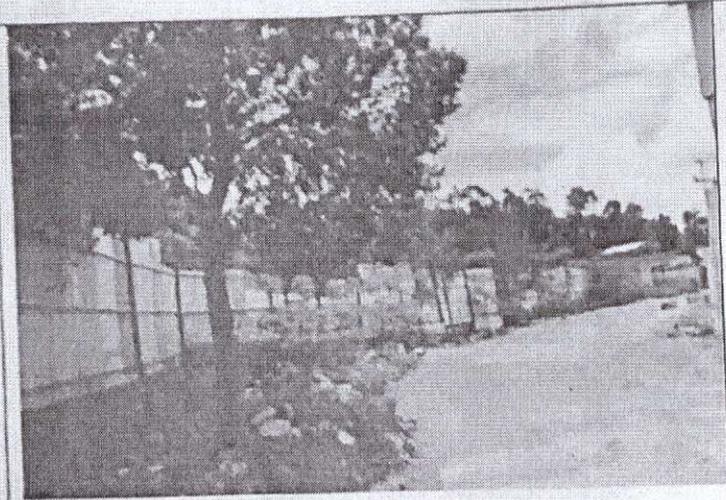
Vibratory Screen & conveyors covered with GI Sheet



Boundary Wall provided with GI sheet

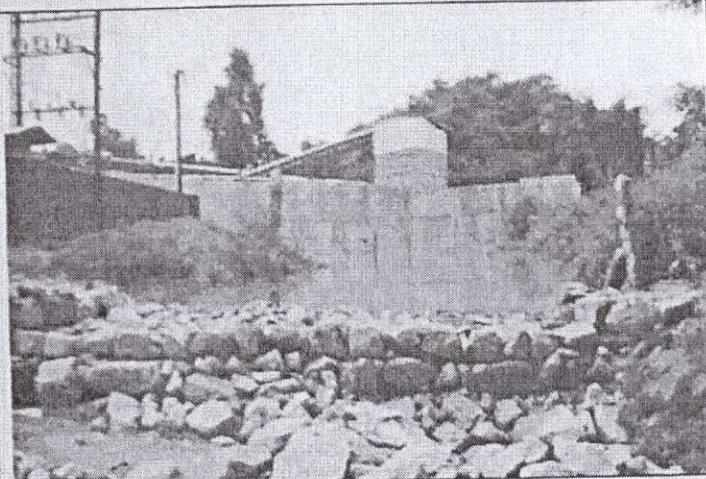


Vibratory Screen cum Bunker



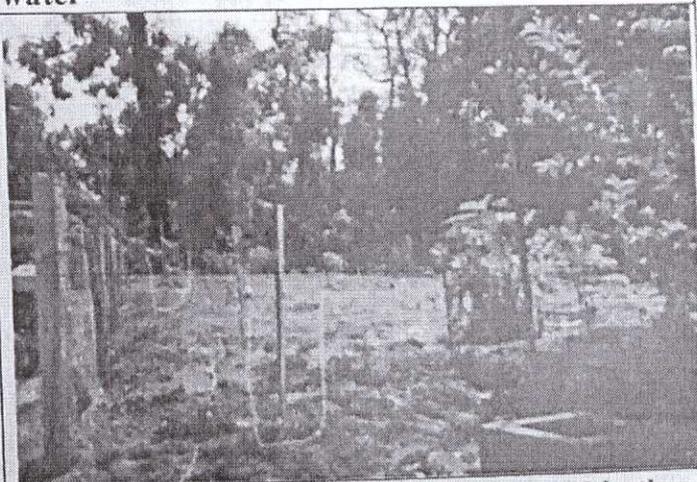
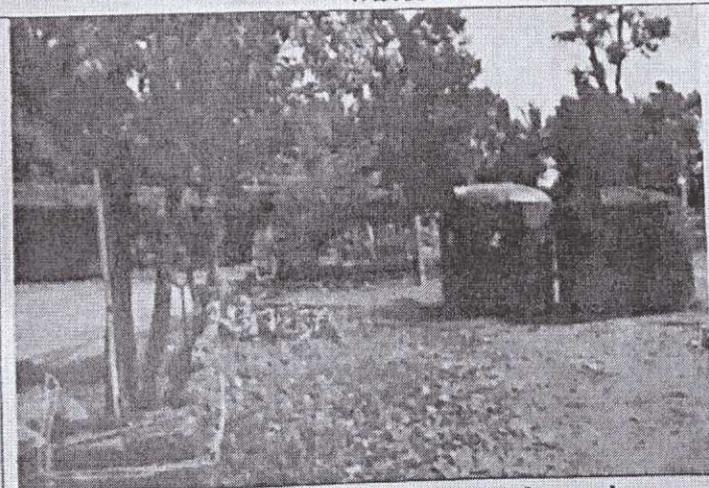
Plantations along the boundary wall

Plantations along the boundary wall



Settling Pit to retain dust flowing with the storm water

Settling Pit to retain dust flowing with the storm water



Sprinklers provided at the approach road

Plantations & Sprinklers provided in the surroundings

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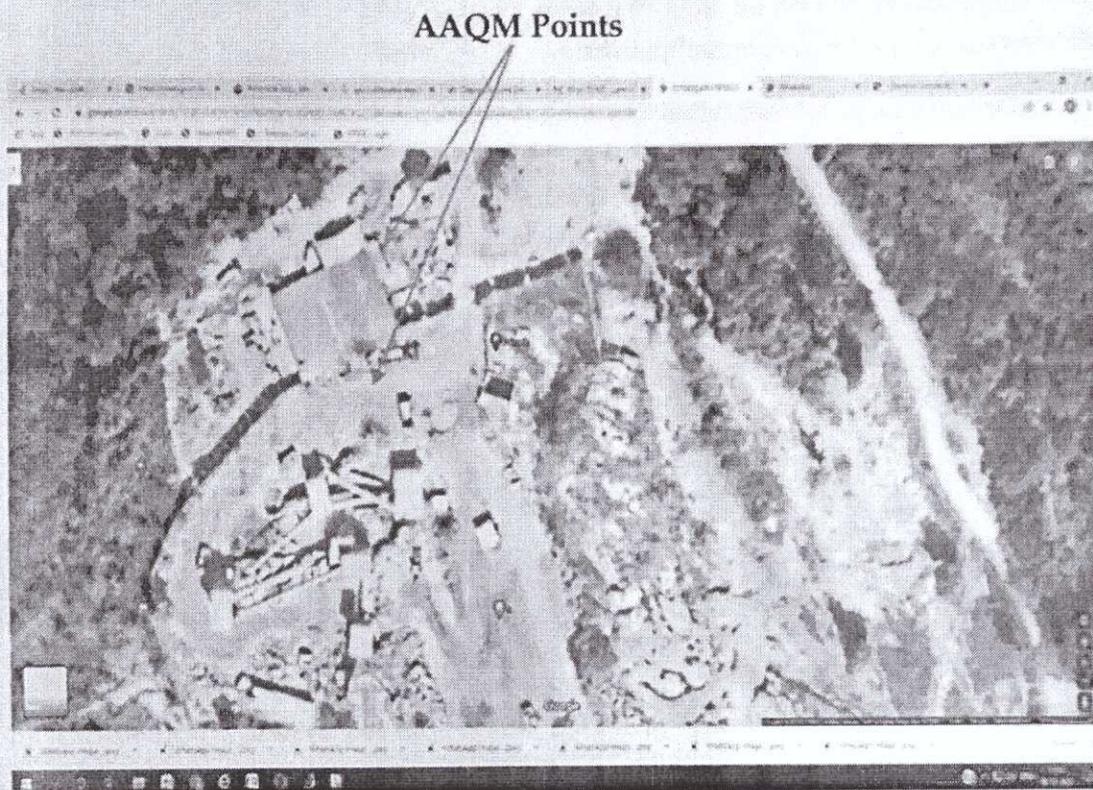
ANNEXURE-B

Compliance made with the conditions stipulated under Section 6a-(2) (1-3) and 6a-(2)(4) of the Karnataka Regulation of Stone Crushers (Amendment) Rules, 2013.

Stipulated conditions	Compliance made by the crusher authorities
Stone crushers shall provide 15 to 20 feet wall/GI sheet protection on all the three sides in addition to the air pollution control measures.	Boundary wall of the crusher unit is covered by 3 sides with 15-20 feet GI sheet.
Provide material transfer point such as hopper bottom/product unloading conveyor to be covered suitably to prevent dust release into the atmosphere	Conveyor belts are covered with GI Sheet
Ensure that where complete enclosures are not possible such as openings in jaw crushers side and bottom they are to be covered suitably with GI sheets/ rubber flap or any other material to prevent dust release into the atmosphere	<ul style="list-style-type: none"> A. One primary crusher- covered with GI sheet B. Four Secondary Crushers- Covered with GI Sheet C. Two Vibratory Screens- covered with GI sheet D. Conveyor belts (7 No's) - Covered with GI Sheet
Ensure that telescopic chutes are provided at product unloading conveyor to prevent dust release into the atmosphere during free fall of material from height. These chutes can be adjusted in length according to size of the heap.	Bunker System Adopted
Provide effective dust suppression system comprising of spraying of fine water mist through special nozzles shall be carried out over the dust generation sources to suppress the dust cloud	Crusher authorities have provided water sprinkling system at crusher points & in the surroundings also.
All stone crushing units shall provide adequate green belt comprising evergreen high foliage type of trees like Neem, tamarind, gold Mohar, flame of the forest and any other	Crusher location is surrounded with green cover naturally. They have also provided plantations at the entrance and around the crusher plant

- Monitoring of Ambient air quality within and outside the stone crusher premises: 62

KSPCB has carried out ambient air quality monitoring at two locations, one at the crusher site and another near the office outside the crusher compound on 24.03.2020 for the parameters PM_{2.5} and PM₁₀. The locations of monitoring points are shown in the Google map as below:



Monitoring was carried out for 24 hrs and the results are meeting with the NAAQM standards. Results of monitoring are as below:

Date of sampling	Sampling location	PM ₁₀ micro gm/m ³	PM _{2.5} micro gm/m ³	Remarks
	NAAQM *standard for 24 hours average	100*	60*	
		Monitored results		
24.03.2020	Near office, outside the crusher compound	49.4	19.1	** Within the limits
	At the crusher site	78.9	39.2	** Within the limits

Note: **The stone crusher was not under operation at the time of monitoring due to Covid-19 situation.

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- **Monitoring of Water quality within and outside the stone crusher premises:**

The stone crusher surrounding is very sparsely populated. As per the joint survey conducted on 07.02.2019 by the members of the District stone Crusher Licensing Authority which includes Dept. of Mines and Geology, Revenue officials, District Forest Officer and jurisdictional officer of Pollution Control Board, there are 16 independent houses in 500 meter vicinity of the stone crusher. There are no clusters of houses, and no temples or schools within this 500 meter range. The nearest house is around 180 meter from the crusher site which doesn't have open well. The next house which is 195 from the crusher area has an open well but dried up during summer time. As per the discussions held with the residents of nearby houses, the crusher authority is providing them drinking water through their bore well.

KSPCB has collected and analysed two water samples during May 2020 (14.05.2020), i) bore well water from the crusher site ii) Open well water from Mr Sundar poojary's house which is about 253 meter from the crusher site.

Google map showing location of open well & bore well water monitored



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The results of analysis show that the analysed parameters are well within the range of drinking water standards (IS 10500:2012). Results of analysis are reproduced as below:

Sample 1: Bore well water within the Crusher site

Sample 2: Open well water from Sundar Poojary's house

Date of Collection: 14.05.2020

Parameters analysed Unit: mg/l	Standard		Results	
	**AL	**PL	Sample 1	Sample 2
Hardness as CaCO ₃	200	600	100	76
Calcium as Ca	75	200	16	15
Magnesium as Mg	30	100	15	9
Chloride	250	1000	48	44
Sulphate	200	400	8	3
Fluoride as F ⁻	1	1.5	0.0486	0.058
Sulphide	0.05	No relaxation(NR)	Below Detectable limit(BDL)	BDL
TRC	0.2	1	BDL	BDL
Total alkalinity	200	600	BDL	BDL
Nitrate as NO ₃	45	No relaxation	4.72	4.64

** AL: Acceptable Limit

**PL: Permissible Limit

• **Assessment of Environmental Compensation for the Non-compliances to Consent conditions:**

Results of monitoring of ambient air quality are within the prescribed limits. However, the same could not be monitored during the lock down period when the stone crusher was closed. During inspection, the nearby houses were visited and there were no complaints about health problems caused by this industry.

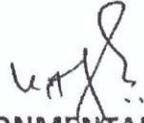
4.	The Suspended Particulate Matter as measured at a distance between 3 m & 10 m from any source of dust emission shall not exceed 600 $\mu\text{g}/\text{nm}^3$. The measurements are to be made at least once in 6 months every year and report shall be submitted to the Board.	The industry is not submitting the monitoring reports. Not complied.
5.	Suitable Water sprinkling system shall be provided to reduce the dust from each dust generation area.	Jaw Crushers, Conveyors & Vibratory screens are provided with water sprinkling system.
6.	The Industry shall provide all around covering of the premises by using G.I. sheet (1.66 mm and 1.25 mm thickness) for a height of 6 m with regular water sprinkling arrangement to suppress the dust generation.	Provided 15-20 feet GI sheet compound wall on 3 sides and provided with water sprinkling systems. The fourth side is stone hill which is part of the quarry.
7.	The applicant shall provide barricades (G.I. Sheets)/Wind breaking walls of height 20 feet on all three sides of the crusher area.	Provided 15-20 ft. GI sheet boundary wall on 3 sides.
8.	Noise level as measured from the periphery of the industry should not exceed 75 dB (A) leq during day time & 70 dB (A) leq during night time	Industry is not submitting the monitoring report of noise levels.
9.	The applicant shall adopt following pollution control measures. 1. Dust containment-cum-suppression system for the equipment. 2. Construction of wind breaking walls.	1. Crusher units are covered with GI sheets and provided with water sprinkler systems for dust suppression.

	<p>3. Regular cleaning and wetting of the ground within the premises.</p> <p>4. Greenbelt along the periphery.</p> <p>5. Metalled Roads inside the Crusher premises.</p>	<p>2. Wind breaking wall provided.</p> <p>3. Provisions made for regular wetting of the ground within the premises by the industry.</p> <p>4. Planted few saplings along the periphery.</p> <p>5. Not done metalled road within the premises.</p>
10	The applicant shall provide a roof with gradual slope/ Curvature so as to prevent accumulation of water and have an easy flow.	Complied
11	The applicant shall provide telescopic chutes at product conveyer unloading to prevent dust release into the atmosphere during free fall of material from heights and also these chutes shall be adjustable in length according to size of the heap.	Closed bunker provided at loading point of the vehicle.

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Hence, the Environmental Compensation was assessed based on the non-compliances to consent conditions which included operating the industry without valid consent for almost 312 days. This is done based on the guidelines prescribed by the Central Pollution Control Board. Total Environmental Compensation assessed for the non-compliances is Rs 7,80,000/- (Rupees seven lakhs, eighty thousand only). Assessment of Environmental Compensation is enclosed as **Annexure-7**.

- **Latest status of the Stone Crusher with respect to Consent from KSPCB:**
Govt. of Karnataka has brought out the new Karnataka Regulation of Stone Crushers Amendment Act, 2020 which has enabled all the crusher authorities to have extension of License/Form-C for another 20 years. Under this new clause, this crusher industry has obtained necessary license/Form-C from District Stone crusher Licensing authority. The stone crusher industry has also applied for consent of KSPCB and the consent is issued by this Board for the period up to 30.09.2028 without any bias to the pending application at the Hon'ble NGT.


ENVIRONMENTAL OFFICER,
KSPCB, REGIONAL OFFICE, UDUPI



→ True Copy's



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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL(SZ)
CHENNAI.

OA. No. 204 of 2017. (SZ)

IN THE MATTER OF :-

Bhoja Shetty

....PETITIONER.

VERSUS.

Deputy Commissioner and ors.

....RESPONDENTS.

Proof of Service.

Sr. No.	Particulars.	Pages. No.
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

THROUGH :-


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Advocate

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Email - darpan.advocate@gmail.com

Date:- 22/02/2021.

Place New Delhi